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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)
_____)

DATE AND TIME: TUESDAY,
JULY 15, 1997 9:30 A.M.

PLACE: BOARD
HEARING ROOM 8800 CAL
 CENTER
 DRIVE
 SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C.
DRAIN, RPR, CSR CERTIFICATE
NO. 7152

BRS FILE NO.: 40109

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; TUESDAY, JULY 15, 1997

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: THE MEETING WILL COME
5 TO ORDER, PLEASE. THIS IS THE JULY 15TH MEETING
6 OF THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
8 SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. QUORUM IS
15 PRESENT.

16 BY WAY OF ANNOUNCEMENTS THIS
17 MORNING, FIRST OF ALL, BIT OF CONFUSION OVER THE
18 AGENDA TODAY, AND THERE IS AN AGENDA ADDENDUM IN
19 THE BACK OF THE ROOM ADDING THE DEPUTY DIRECTOR'S
20 REPORT AND THE CONSENT CALENDAR ITEMS. ITEMS 1,
21 2, AND 3 THAT ARE REFLECTED IN THAT ADDENDUM ARE
22 RECOMMENDED FOR CONSENT TODAY.

23 AND THEN ITEM 6, WHICH IS THE OXFORD
24 TIRE FACILITY PERMIT, HAS BEEN PULLED FROM THIS
25 AGENDA AS HAS ITEM 8, THE PASO ROBLES NEGATIVE

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1 DECLARATION. BOTH THOSE ITEMS WILL BE CONSIDERED
2 AT THE FULL BOARD MEETING AND WILL NOT BE TAKEN UP
3 TODAY.

4 DO YOU HAVE ANY EX PARTE REPORTS
5 TODAY?

6 MEMBER JONES: TALKED TO MR. CUPPS ABOUT
7 SOME EXPORT ISSUES AND GOT A LETTER FROM, I'M
8 SURE, CHUCK WHITE -- CHARLES WHITE FROM WMX ON
9 SOME ISSUES ON THE COMPOSTING. AND THAT'S IT.

10 MEMBER RELIS: SAME LETTER.

11 CHAIRMAN FRAZEE: YES, I THINK ALL THREE
12 OF US HAVE THE SAME LETTER FROM CHUCK WHITE
13 REGARDING COMPOST REGULATIONS ISSUES THAT WAS NOT
14 PREVIOUSLY RECORDED.

15 OKAY. NOW WE ARE READY TO MOVE TO
16 THE DEPUTY DIRECTOR'S REPORT. DOROTHY RICE.

17 MS. RICE: THANK YOU, MR. CHAIRMAN AND
18 MEMBERS. GOOD MORNING. ONE BRIEF UPDATE ON
19 TODAY'S AGENDA ON ONE ITEM, AND THEN I HAVE TWO
20 ITEMS THIS MORNING FOR YOU.

21 FIRST OF ALL, ON AGENDA ITEM NO. 7,
22 WHICH IS CONSIDERATION OF A NEW MAJOR WASTE TIRE
23 FACILITY PERMIT FOR MODESTO ENERGY LIMITED
24 PARTNERSHIP, I WANTED TO ADVISE THE MEMBERS THAT
25 STAFF DO NOT YET HAVE A PERMIT READY FOR YOUR

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1 CONSIDERATION TODAY. WE'RE WORKING TO INSERT
2 APPROPRIATE REFERENCES TO THE TIRE PILE
3 REMEDICATION AGREEMENT THAT WAS RECENTLY ENTERED
4 INTO BY THIS BOARD AND MODESTO ENERGY LIMITED
5 PARTNERSHIP, TRYING TO INCORPORATE REFERENCES INTO
6 THE PERMIT. WE WILL HAVE THE PERMIT AVAILABLE FOR
7 YOUR REVIEW PRIOR TO THE BOARD MEETING NEXT WEEK,
8 SO HOPEFULLY WITHIN THE NEXT DAY OR TWO. WE'RE
9 FINALIZING THAT TODAY.

10 MOVING ON TO THE TWO ITEMS FOR MY
11 REPORT, FIRST OF ALL, THE QUARTERLY REPORT ON
12 DELEGATED APPROVALS WITHIN THE DIVISION AND THEN,
13 SECONDLY, A PRESENTATION BY SOME DIVISION STAFF ON
14 THE CHOPPERENA TIRE FIRE CLEANUP EFFORT.

15 FIRST OF ALL, I HAVE PREPARED A
16 REPORT FOR YOU COVERING DELEGATED APPROVALS WITHIN
17 THE PERMITTING AND ENFORCEMENT DIVISION FOR THE
18 QUARTER COVERING APRIL THROUGH JUNE OF THIS YEAR.
19 THIS INFORMATION HAS ALSO BEEN PROVIDED TO YOUR
20 OFFICES IN A MEMO DATED YESTERDAY, AND COPIES ARE
21 AVAILABLE FOR INTERESTED MEMBERS OF THE AUDIENCE
22 AT THE BACK OF THE ROOM.

23 IN THE INTEREST OF TIME, GIVEN THE
24 PRESENTATION THAT WILL FOLLOW THIS, I WILL BRIEFLY
25 SUMMARIZE SOME OF THE CONTENTS OF THAT MEMO. WE

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1 HAVE NINE PERMIT MODIFICATIONS APPROVED DURING THE
2 QUARTER, THREE EXCLUSIONS FROM TIRE PERMITTING
3 REQUIREMENTS, 216 TIRE HAULER REGISTRATIONS, AND
4 11 TIRE ENFORCEMENT ORDERS. ADDITIONALLY, SEVEN
5 CLOSURE FUND MECHANISMS WERE APPROVED, FIVE FINAL
6 CLOSURE PLANS, AND THREE ALTERNATIVE DAILY COVER
7 DEMONSTRATION PROJECTS.

8 THOSE ARE THE BRIEF HIGHLIGHTS. YOU
9 CAN REFER TO MY MEMO. FEEL FREE TO ASK ME ANY
10 QUESTIONS AT THIS TIME OR AT ANY LATER DATE AS
11 WELL AS YOU HAVE TIME TO LOOK THROUGH THE MEMO,
12 WHICH I'M SURE YOU GOT LATE YESTERDAY OR FIRST
13 THING THIS MORNING. I'D LIKE TO THANK MIKE
14 WOCHNICK FOR PUTTING THIS TOGETHER FOR ME AND
15 DOING SO IN A TIMELY FASHION AND NICE LOOKING
16 CHART TOO. ANYWAY, COPIES ARE AT THE BACK OF THE
17 ROOM.

18 I'D NOW LIKE TO INTRODUCE KEITH
19 CAMBRIDGE OF OUR TIRE ENFORCEMENT UNIT AND TODD
20 THALHAMER WITH THE AB 2136 CLEANUP PROGRAM. THEY
21 HAVE A PRESENTATION ON LAST YEAR'S SUCCESSFUL
22 CLEANUP OF THE CHOPPERENA TIRE FIRE SITE WHERE
23 BOARD DOLLARS AND INVOLVEMENT PLAYED A VERY KEY
24 ROLE.

25 THIS MULTIAGENCY EFFORT WAS USED AS

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1 A CASE STUDY AT CAL/EPA'S ANNUAL ENFORCEMENT
2 SYMPOSIUM THIS YEAR WHERE TODD AND KEITH PRESENTED
3 A LONGER VERSION OF TODAY'S PRESENTATION. I'VE
4 ALSO BEEN INFORMED THAT THAT PRESENTATION WON THE
5 SYMPOSIUM'S AWARD FOR THE BEST OF THE YEAR. SO
6 KEITH IS GOING TO BEGIN. THANKS.

7 MR. CAMBRIDGE: GOOD MORNING, MR.
8 CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS
9 KEITH CAMBRIDGE OF THE ENFORCEMENT BRANCH WASTE
10 TIRE SECTION. I'D LIKE TO PRESENT INFORMATION ON
11 THE CHOPPERENA TIRE FIRE WHICH OCCURRED ON MAY 20,
12 1996, AND THE BOARD'S INVOLVEMENT WITH THE SITE.

13 I'LL BE PRESENTING INFORMATION ON
14 THE BOARD'S ENFORCEMENT ACTIONS WITH THE OPERATOR
15 AND THE INITIAL RESPONSE TO THE TIRE FIRE
16 INCIDENT. FOLLOWING MY PRESENTATION, TODD
17 THALHAMER OF THE BOARD'S 2136 WILL EXPLAIN WHAT
18 FURTHER STEPS WERE TAKEN BY THE BOARD TO REMEDIATE
19 THE SITE AFTER THE FIRE.

20 I'D LIKE TO TAKE A FEW MOMENTS FIRST
21 TO SHOW YOU ABOUT A TWO-MINUTE VIDEO THAT WAS
22 TAKEN ON A LOCAL CHANNEL AND ALSO POINT OUT THAT
23 WE DO HAVE A STORY BOARD TOWARDS THE BACK OF THE
24 ROOM FOR YOUR VIEWING.
25 (VIDEO WAS THEN SHOWN.)

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1 MR. CAMBRIDGE: I'D LIKE TO FIRST
2 INTRODUCE YOU TO THE SITE BY EXPLAINING THE SITE'S
3 HISTORY. EARLY IN 1970 THE PROPERTY OWNER, MR.
4 CHOPPERENA, OPERATED A BUSINESS WHICH COLLECTED
5 WASTE TIRES IN THE GREATER FRESNO AREA. HE
6 TRANSPORTED THE WASTE TIRES BACK TO HIS PROPERTY,
7 THEN DUMPED THEM INTO A CANYON, AS YOU CAN SEE
8 HERE.

9 WHAT YOU ARE SEEING RIGHT NOW IS
10 APPROXIMATELY ONE MILLION WASTE TIRES IN THIS
11 CANYON. IF YOU LOOK TOWARDS THE REAR OF THE
12 PICTURE, YOU WILL SEE A LARGE DIRT AREA OR A DAM
13 AREA BEHIND THE WASTE TIRES AND ALSO THE POWER
14 TRANSMISSION LINES, AS WE PREVIOUSLY MENTIONED.

15 THIS IS A CLOSER LOOK AT THE EARTHEN
16 COVER. THIS DIRT AREA OR DAM IS ACTUALLY COVERING
17 AN ADDITIONAL TWO MILLION WASTE TIRES WHICH THE
18 OWNER WAS ORDERED TO BURY IN 1976 BY THE FRESNO
19 COUNTY SUPERIOR COURT AS THE LOCAL FIRE AGENCY AND
20 THE UTILITY COMPANY, PG&E, WERE CONCERNED THAT IF
21 A TIRE FIRE WAS TO HAVE OCCURRED UNDER THESE
22 TRANSMISSION LINES, ENOUGH SOOT AND CARBON WOULD
23 BE COLLECTED ON THE LINES TO CAUSE THE POTENTIAL
24 OF ARCING, THUS SHUTTING OFF THE POWER THROUGH
25 THESE LINES IN SOUTHERN CALIFORNIA. AFTER THE

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1 TIRES WERE BURIED THE OWNER DIED.

2 IN OCTOBER 1995 BOARD ENFORCEMENT
3 STAFF CONDUCTED A STATE INSPECTION OF THE SITE.
4 ENFORCEMENT STAFF DOCUMENTED VIOLATIONS OF THE
5 FIRE PREVENTION MEASURES, VECTOR CONTROL MEASURES,
6 SITE SECURITY, AND STORAGE STANDARDS.

7 FOLLOWING THAT INSPECTION,
8 ENFORCEMENT STAFF MET WITH MRS. CHOPPERENA TO
9 DISCUSS THE SITE AND BOARD CONCERNS. FOLLOWING
10 THIS MEETING A LATER VIOLATION WAS SENT TO MRS.
11 CHOPPERENA, REQUESTING THAT A CORRECTIVE ACTION
12 PLAN BE SUBMITTED TO THE BOARD ON WHAT FIRE AND
13 VECTOR CONTROL MEASURES WOULD BE TAKEN.

14 THE OPERATOR SUBMITTED AN ACCEPTABLE
15 PLAN TO THE ENFORCEMENT BRANCH DETAILING HER
16 ACTIONS. THE OWNER STATED THAT SHE WOULD PROVIDE
17 FIRE FIGHTING EQUIPMENT, A 10,000 GALLON WATER
18 STORAGE TANK, INDUSTRIAL FENCING AROUND THE
19 IMMEDIATE WASTE TIRE AREA, ADEQUATE FIRE BREAK 40
20 FEET AROUND THE PERIMETER OF THE SITE, AND THE
21 WASTE TIRES WOULD BE SEPARATED FROM POTENTIALLY
22 FLAMMABLE MATERIALS LIKE INNER TUBES IN LESS THAN
23 40 FEET. AS YOU CAN SEE HERE, THAT'S NOT THE
24 CASE.

25 FOLLOWING A SITE VISIT THAT WAS

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1 CONDUCTED BY ENFORCEMENT STAFF IN SEPTEMBER 1995,
2 IT WAS EVIDENT THAT VIOLATIONS DOCUMENTED DURING
3 THE 1993 INSPECTION CONTINUED TO EXIST. A
4 REFERRAL WAS MADE TO THE WASTE TIRE PERMITS UNIT
5 FOR REMEDIATION OF THE SITE. THE CHOPPERENA SITE
6 WAS PRIORITIZED BY ENFORCEMENT STAFF AS A RANK ONE
7 DUE TO THE POTENTIAL DANGER TO THE TRANSMISSION
8 LINES AND THE CLOSE PROXIMITY TO INTERSTATE 5.

9 ON MAY 20, 1996, AS THE VIDEO
10 INDICATED, AN ARSONIST STARTED SEVERAL FIRES IN
11 THE CENTRAL AREA OF THE CHOPPERENA SITE. TWO OF
12 THESE FIRES WERE ADJACENT TO THE SITE. THESE
13 FIRES MERGED AS ONE AND PROCEEDED INTO THE CANYON
14 WHERE THE TIRES WERE BEING STORED. THE SITE WAS
15 IMMEDIATELY ENGULFED IN FLAMES. THE OFFICER OF
16 EMERGENCY SERVICES WAS NOTIFIED OF THIS FIRE FROM
17 THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE
18 PREVENTION OR CDF.

19 HOWEVER, THIS BOARD NOR THE
20 DEPARTMENT OF TOXIC SUBSTANCES CONTROL WAS
21 NOTIFIED UNTIL THE FOLLOWING DAY BY THE FRESNO
22 COUNTY COMMUNITY HEALTH DEPARTMENT OR THE LEA
23 WHICH HAD RESPONDED TO THE SCENE ON THE DAY OF THE
24 INCIDENT. ENFORCEMENT STAFF WAS NOTIFIED OF THIS
25 FIRE WHILE ATTENDING AN ENFORCEMENT SYMPOSIUM IN

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1 SAN DIEGO AND IMMEDIATELY DEPARTED TO THE SITE.
2 ENFORCEMENT STAFF CONTACTED CDF AND MADE
3 ARRANGEMENTS TO TOUR THE SITE THE FOLLOWING DAY ON
4 MAY 22D.

5 WHILE DRIVING TO THE LOCATION, SMOKE
6 WAS VISIBLE FROM 30 PLUS MILES AWAY. THIS IS, I
7 MIGHT REMIND YOU, THIS IS ON DAY THREE OF THE
8 INCIDENT. WHILE DRIVING TO THE LOCATION -- UPON
9 ARRIVAL AT THE SITE, STAFF OBSERVED THAT ALL THE
10 WASTE TIRES WERE BEING CONSUMED BY THE FIRE.

11 STAFF WAS ADVISED BY CDF THAT THE
12 PROPERTY OWNER HAD FAILED TO DISK THE SITE, WHICH
13 MAY HAVE PREVENTED THE FIRE FROM SPREADING FROM
14 GRASS TO THE TIRES. AT THE TIME OF THE STAFF'S
15 ARRIVAL, IT WAS UNKNOWN WHETHER THE BURNING TIRES
16 HAD COME IN CONTACT WITH THE BURIED PORTION OF
17 TIRES, WHICH WOULD TAKE THE FIRE UNDERGROUND.

18 AS INDICATED BY THE VIDEO, IF THESE
19 BURIED TIRES CAUGHT FIRE, IT WOULD HAVE
20 SUBSTANTIALLY IMPAIRED THE CURRENT EARTHEN COVER
21 AND ALLOWED SMOKE TO ESCAPE DIRECTLY UNDER THE
22 TRANSMISSION LINES, CREATING A SIGNIFICANT DANGER
23 OF ARCING. STAFF WAS ADVISED BY PG&E
24 REPRESENTATIVES IF THESE LINES WENT DOWN, THEY
25 WOULD NEED TO REDIRECT POWER THROUGH THE WESTERN

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1 PORTION OF THE UNITED STATES AT POTENTIAL COST OF
2 \$2 MILLION PER DAY.

3 IN ADDITION, CDF INFORMED BOARD
4 STAFF THAT CDF'S ROLE WAS TO CONTROL THE FURTHER
5 SPREAD OF FIRE TO THE SURROUNDING AREA, BUT LOOKED
6 TO THE BOARD TO BE THE LEAD AGENCY OF THE TIRE
7 FIRE. ENFORCEMENT STAFF CALLED A MEETING BETWEEN
8 ALL RESPONSIBLE AGENCIES TO DETERMINE THEIR
9 CONCERNS AND PRIORITIZE WHAT ACTION SHOULD BE
10 TAKEN.

11 THESE AGENCIES INCLUDED THE BOARD,
12 WASTE BOARD, THE LEA, CDF, DEPARTMENT OF FISH AND
13 GAME, PG&E, REGIONAL WATER QUALITY CONTROL BOARD,
14 AND THE SAN JOAQUIN AIR POLLUTION CONTROL
15 DISTRICT. THE FOLLOWING CONCERNS WERE BROUGHT
16 FORWARD DURING THE MEETING. PG&E WAS CONCERNED,
17 OBVIOUSLY, THAT IF THE TIRE FIRE CONTINUED TO
18 BURN, THE FIRE MAY SPREAD UNDERGROUND DIRECTLY
19 UNDERNEATH THE TRANSMISSION LINES AND POTENTIALLY
20 DAMAGE THEIR LINES.

21 FISH AND GAME WAS ALSO CONCERNED
22 THAT IF PYROLYTIC OIL, OIL GIVEN OFF DURING A TIRE
23 FIRE, OR OTHER CONTAMINANTS WERE ALLOWED TO ESCAPE
24 FROM THE SITE, THE NEARBY PANOCHÉ CREEK MAY BE
25 CONTAMINATED; THEREFORE, THEY WANTED CONTAINMENT

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1 OF ANY OIL CREATED DURING THE TIRE FIRE.

2 THE WASTE BOARD AND CDF DECIDED IN
3 ORDER TO MINIMIZE PYROLYTIC OIL FROM FLOWING OFF
4 SITE AND THE CREATION OF OTHER GROUNDWATER
5 CONTAMINANTS, WATER APPLICATION TO THE ABOVEGROUND
6 FIRE SHOULD BE AVOIDED OR KEPT AT A MINIMUM.
7 THEREFORE, EFFORTS WERE FOCUSED TO THE FIRE
8 SPREADING UNDERGROUND TO THE BURIED PORTION OF
9 TIRES.

10 JUDGING FROM THE MAGNITUDE OF THE
11 FIRE AND THE POTENTIAL COSTS INVOLVED, ENFORCEMENT
12 STAFF DECIDED TO CONTACT THE UNITED STATES
13 ENVIRONMENTAL PROTECTION AGENCY, OR U.S. EPA, TO
14 DETERMINE THAT IF THE AGENCY WAS INTERESTED IN
15 CONTAINMENT OF OUR FIRE ON SITE. THE U.S. EPA WAS
16 CONSIDERED FOR THE ACTION AS THE BOARD HAD NO
17 EMERGENCY FUNDS AVAILABLE FOR SUCH WORK. U.S. EPA
18 HAD \$200,000 IMMEDIATELY AVAILABLE TO SPEND ON
19 EMERGENCY CONTRACT WORK AND EXTINGUISH THE TIRE
20 FIRE AND PREVENT THE FIRE FROM SPREADING TO THE
21 BURIED PORTION OF TIRES.

22 BOARD STAFF WAS ADVISED THAT THE
23 U.S. EPA WAS INTERESTED IN THE SITE AND WOULD
SEND

24 THEIR SUPERFUND TACTICAL ASSESSMENT AND RESPONSE

25 TEAM, OR START TEAM, FROM SAN FRANCISCO THAT

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1 EVENING.

2 THE ON-SCENE COORDINATOR FROM THE
3 U.S. EPA ARRIVED THE FOLLOWING MORNING, AT WHICH
4 POINT THE ENFORCEMENT STAFF TURNED OVER THE SITE
5 TO THEM AS LEAD AGENCY WITH ENFORCEMENT STAFF
6 REMAINING ON SITE FOR TECHNICAL SUPPORT.

7 IT WAS DECIDED BY THE U.S. EPA AND
8 WASTE STAFF TO EXPEND THE U.S. EPA MONIES TO
9 RESTORE THE DAM BUILT BY THE OWNER TO PREVENT ANY
10 PYROLYTIC OILS FROM FLOWING OFF SITE TO THE
11 PANOCHÉ CREEK A FEW HUNDRED YARDS AWAY. SECONDLY,
12 AS THE EXPOSED TIRES CAME IN CONTACT -- CAME UNDER
13 CONTROL, EFFORTS WERE TURNED OVER TOWARD THE
14 BURIED PORTION OF TIRES.

15 A TRENCH APPROXIMATELY 40 FEET DEEP,
16 6 FEET WIDE FROM CANYON WALL TO CANYON WALL WAS
17 DUG TO CREATE A FIRE BREAK BETWEEN THE BURNING
18 PORTION OF TIRES AND THE BURIED PORTION OF TIRES.
19 DURING THIS EXCAVATION, SMOLDERING TIRES, AS YOU
20 CAN SEE IN THIS PICTURE, WERE EXCAVATED,
21 INDICATING THAT THE FIRE HAD INDEED GONE
22 UNDERGROUND AND STARTED TO SPREAD TO THE BURIED
23 PORTION OF TIRES. THE U.S. EPA'S COST FOR THE
24 EXCAVATION WAS \$227,000.

25 THE FIRE CONTINUED TO BURN THE

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1 EXPOSED TIRES FOR APPROXIMATELY FOUR WEEKS WITH
2 SPOT FIRES STILL EMERGING THREE AND A HALF MONTHS
3 LATER.

4 NOW THAT THE FIRE WAS OUT, STAFF WAS
5 CONCERNED WITH THE POTENTIAL RUNOFF OF HAZARDOUS
6 WASTE AND ASH RESIDUE FROM THE SITE TO THE PANOCHE
7 CREEK IN THE UPCOMING WINTER MONTHS AND REQUESTED
8 THAT THE BOARD'S 2136 SECTION TAKE FURTHER ACTION
9 TO REMEDIATE THE SITE.

10 AT THIS POINT I WOULD LIKE TO TURN
11 OVER THE PRESENTATION TO TODD THALHAMER OF THE
12 2136 GROUP.

13 MR. THALHAMER: GOOD MORNING, CHAIRMAN,
14 MEMBERS OF THE BOARD, AND COMMITTEE. AT THIS
15 PARTICULAR POINT, WE ESTABLISHED A TASK FORCE
16 MEETING ON AUGUST 29, 1996, WITH THE FOLLOWING
17 AGENCIES. FROM THIS MEETING WE DETERMINED A
18 COURSE OF ACTION. WE PROPOSED USING THE 2136
19 CLEANUP PROGRAM.

20 AND JUST A STEP BACK, THE 2136
21 PROGRAM, FOR SOME OF YOU WHO MAY NOT KNOW, WAS
22 ENACTED JANUARY '94. OUR GOAL IS TO CLEAN UP
23 SOLID WASTE DISPOSAL SITES WHERE THE RESPONSIBLE
24 PARTIES EITHER CANNOT BE IDENTIFIED OR IS UNABLE
25 OR UNWILLING TO PERFORM A TIMELY REMEDIATION.
AND

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1 AGAIN, OUR CRITERIA IS BASED ON THE NEED TO
2 PROTECT THE PUBLIC HEALTH AND SAFETY.

3 THIS IS AN OVERVIEW, TOPOGRAPHICAL
4 OVERVIEW, OF THE CANYON. WE PERFORMED A SURVEY.
5 TWO THINGS I'D LIKE TO NOTE. FROM THAT MEETING WE
6 DECIDED TO ENCAPSULATE THE MATERIAL. AND THE
7 UPPER PARTS OF THE CANYON WOULD BE TO THE BOTTOM
8 LEFT OF YOUR SCREEN. THE OTHER THING I'D LIKE TO
9 NOTE IS WE HAD A HIGH PRESSURE OIL LINE WHICH WE
10 WERE UNAWARE OF UNTIL WE GOT TO THE SITE. AND WE
11 REALIZED THAT LINE THERE WAS CONTAINING OIL AT 150
12 DEGREES AT 20 PSI AND WAS APPROXIMATELY 20 FEET
13 DOWN. THAT WAS ANOTHER CONTINGENT WE HAD TO
14 CONSIDER, THAT WE WERE MOVING IN HEAVY EQUIPMENT
15 OVER THAT LINE.

16 SOME OF OUR CONSTRAINTS: WE HAD A
17 MILLION TIRES CONSUMED BY THE FIRE. WE HAD 15,000
18 CUBIC YARDS OF ASH, ONE MILLION STEEL BELTS, WHICH
19 PROVED VERY DIFFICULT TO WORK WITH EQUIPMENT. IT
20 SEEMED TO MELD INTO THE TREADS OF THE CATER-
21 PILLARS. WE ALSO HAD STEEP WALLS, STEEP CANYON
22 WALLS. WE HAD REMEDIATION FUNDS AUTHORIZED IN
23 SEPTEMBER. GIVEN THAT AND THE PENDING WINTER
24 RAINS, THE CREEK WAS LESS THAN 500 FEET AWAY AND
25 THE EXTREMELY HIGH LEVELS OF ZINC, WE HAD TO BE

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1 VERY QUICK IN OUR REMEDIATION.

2 THIS IS A FLYOVER. I'D LIKE TO JUST
3 POINT OUT TWO THINGS QUICKLY. YOU CAN SEE THE
4 EXCLUSION ZONE, WHICH IS THE GRAY AREA ON THE TOP
5 RIGHT OF THE SCREEN. THE WORKERS IN THAT
6 PARTICULAR AREA WORE RESPIRATORS, TYVEKS, AND
7 PROPER HEALTH AND SAFETY GEAR. THE OTHER THING
8 I'D LIKE TO POINT OUT, WE GOT VERY LUCKY, IS THAT
9 THE TOP KNOLL THAT YOU SEE COMING OUT FROM THE
10 MIDDLE OF THE RIGHT SCREEN WAS ALL CLAY MATERIAL,
11 HIGH QUALITY CLAY, AND THAT'S WHAT WE USED TO
12 DESIGN OUR COVER FOR.

13 SOME OF OUR ENVIRONMENTAL
14 CONDITIONS: AIRBORNE EMISSIONS DURING THE FIRE
15 EXCEEDED OSHA AND NIOSH FOR ALLOWABLE EXPOSURE TO
16 BENZENE. AIR EMISSIONS ALSO SHOWED LEVELS OF
17 METALS, SEMIVOLATILES, AND PAH, AND ALSO WE HAD TO
18 DEAL WITH THE CONTAMINATED SOIL.

19 THIS IS A CLOSE-UP OF ONE OF THE
20 RAVINES. AS YOU CAN TELL, ANY SURFACE WATER THAT
21 WOULD HAVE COME THROUGH THIS RAVINE WOULD HAVE
22 WASHED THE ASH DOWN THE CANYON AND TOWARDS THE
23 RETENTION DAM. AFTER REVIEWING SOME CALCULATIONS,
24 WE DETERMINED THAT THE RETENTION DAM THAT WAS
25 CONSTRUCTED BY U.S. EPA AND THE OWNER WAS
NOT

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1 SIGNIFICANT TO HOLD ANY STORM EVENT, SO WE
2 REDESIGNED IT AND MOVED IT FURTHER DOWN THE
3 CANYON.

4 AGAIN, THIS IS GOING TO GIVE YOU
5 SOME INFORMATION ON THE SOIL CONTAMINATION. ZINC
6 CONCENTRATIONS RANGE FROM 32,000 PPM TO 156,000
7 PPM. THAT'S 15 PERCENT BY VOLUME. IT SET
8 ALL-TIME RECORDS IN MY LAB AS FAR AS SOIL ANALYSIS
9 WENT. ALSO, WE HAD ELEVATED LEVELS OF LEAD,
10 CADMIUM, COBALT, COPPER, AND PETROLEUM
11 HYDROCARBONS.

12 A POINT OF INTEREST HERE IS THAT WE
13 DID NOT DISCOVER ANY PYROLYTIC OIL. AT THIS
14 PARTICULAR TIME DURING THE INVESTIGATION WE DID
15 NOT FIND ANY RESIDUE LEFT, SO WE ASSUMED MOST OF
16 IT BURNED OFF AND LATER IT CAME BACK TO CHANGE
17 THINGS.

18 THIS IS A CLOSE-UP OF THE ASH. WE
19 DID -- I DID AND STAFF DID SOME CONFIRMATION
20 SAMPLING TO CONFIRM EPA'S RESULTS. WE TOOK
21 SAMPLES AT THE BOTTOM RIGHT IN THE MIDDLE OF
22 THE
23 RAVINE. EPA TOOK SAMPLES ON THE PERIMETER. WE
24 FELT THAT TO GET A BETTER JUSTIFIED REASONS AND
 EVALUATION OF WHAT PARTICULAR MATERIAL WAS

THERE,
25 WE TOOK SAMPLES IN THE MIDDLE. AS YOU CAN
TELL,

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1 THE STEEL BELTS ARE THERE. WE DUG DOWN ABOUT 2
2 FEET. THAT'S ABOUT -- TOOK US ABOUT AN HOUR TO
3 DIG THAT FAR BECAUSE IT WAS ALMOST LIKE ASPHALT
4 BETWEEN THE PYROLYTIC OIL AND THE GRAVEL.

5 THIS WAS OUR REMEDIATION PLAN BASED
6 OFF THAT MEETING IN AUGUST AND OUR SITE
7 INVESTIGATION. WE CAME UP WITH THE FACT THAT WE
8 WANTED TO REMOVE THE ASH FROM THE NORTH AND SOUTH
9 SLOPES, CONSOLIDATE THE ASH IN THE UPPER CANYON.
10 WE'RE GOING TO CONSTRUCT AN ENCAPSULATION, AND
11 AGAIN CREATE THE CELL IN FRONT OF THE REMAINING
12 TIRES KEITH HAD TALKED ABOUT UNDERNEATH THE POWER
13 LINES. WE USED ON-SITE CLAY SOILS TO CONSTRUCT
14 THE COVER, AND THEN WE CONSTRUCTED A NEW RETENTION
15 DAM.

16 THIS IS THE FIRST OR SECOND WEEK OF
17 THE PROJECT. AS YOU CAN SEE, THE DOZER WAS
18 PUSHING THE CONTAMINATED ASH AND TIRES OFF THE
19 SLOPE. WE USED A WATER TRUCK TO CONTROL FUGITIVE
20 DUST. AFTER IT WAS PUSHED TO THE BOTTOM OF THE
21 CANYON, THEN WE USED A LARGER DOZER TO PUSH THE
22 MATERIAL UP TOWARDS THE ENCAPSULATED CELL.

23 AGAIN, THIS IS AN OVERVIEW. YOU CAN
24 SEE THE WATER TRUCK AND OTHER DOZERS COMPACTING
25 THE FILL, AND THEN A LOADER BRINGING UP CONTAMI-

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1 NATED MATERIAL FROM THE BOTTOM.

2 QUICKLY, THIS IS A COVER DESIGN. IT
3 WAS ALL CLAY. WE HAVE A FOUNDATION LAYER, GEO
4 FABRIC, BARRIER LAYER, AND A VEG COVER. THE GEO
5 FABRIC WAS INITIALLY PLACED TO PREVENT THE FINES
6 FROM MIGRATING OUT FROM THE BARRIER LAYER;
7 HOWEVER, IT PROVED CRITICAL DURING THE RAINY
8 SEASON BECAUSE WE LOST 4 FEET OF THAT COVER IN
9 CERTAIN AREAS DUE TO THE HEAVY RAINFALL.

10 THE GEO FABRIC ACTUALLY PREVENTED
11 THE EROSION REELS FROM GOING THROUGH THE
12 FOUNDATION LAYER INTO THE ASH. SO IT HAD ONE
13 DESIGN, BUT IT REALLY ACTUALLY WORKED REALLY WELL
14 FOR ANOTHER THAT WE UNANTICIPATED. SO I HIGHLY
15 RECOMMEND THE GEO FABRIC FOR THESE PARTICULAR
16 CIRCUMSTANCES BECAUSE OF THE EROSION.

17 THIS IS A PROCESS OF PUTTING DOWN
18 THE FOUNDATION LAYER. THEY RAN THE SCRAPERS UP TO
19 THE TOP, THEY DROPPED THEIR CANS, THE DOZER WOULD
20 THEN PUSH THE MATERIAL OUT, AND CREATE THE
21 FOUNDATION LAYER.

22 EVERYTHING WAS RUNNING REALLY WELL
23 AT THIS TIME. WE WERE UNDER BUDGET. AS YOU CAN
24 SEE, WE'RE IN NOVEMBER 26TH; HOWEVER, SOME OF THE
25 PROBLEMS SHOWED UP AT THIS PARTICULAR DAY. THE

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1 LITERATURE STATES THAT ONE TIRE CAN PRODUCE 2.5
2 GALLONS OF OIL. IT'S BEEN STATED THAT
3 APPROXIMATELY ONE MILLION TIRES WERE CONSUMED. I
4 USED A CONSERVATIVE ESTIMATE. I CUT THAT IN HALF.
5 SO I'M SAYING THAT ONE TIRE CAN PRODUCE 1.25
6 GALLONS OF OIL. GIVEN THAT, WE HAD 1.25 MILLION
7 GALLONS OF OIL GENERATED DURING THIS FIRE.

8 SINCE THE FIRE WAS ALLOWED TO BURN,
9 WE ASSUMED ALL THE OIL WAS GONE. INITIAL
10 INVESTIGATIONS AT THE SURFACE INDICATED AS SUCH.
11 HOWEVER, ON NOVEMBER 6, '96, I WAS INTRODUCED TO
12 MR. MURPHY LAW. I DISCOVERED TWO SMALL STAINS.
13 AT THAT PARTICULAR POINT, I DIRECTED THE
14 CONTRACTOR TO REMOVE THESE TWO STAINS, ASSUMING
15 THAT THEY WERE JUST SMALL RESIDUAL STAINS LEFT
16 OVER FROM THE PROJECT. THIS IS WHERE I INTRODUCED
17 MYSELF TO MURPHY.

18 APPROXIMATELY 15 FEET DOWN WE
19 DISCOVERED A GRAVEL LAYER. FROM THIS GRAVEL LAYER
20 YOU CAN TELL THAT OIL WAS ACTUALLY MIGRATING OUT
21 INTO THE CLAY. WE TOOK A SAMPLE OF THIS
22 PARTICULAR MATERIAL AND DISCOVERED THAT IT
23 CONTAINED EXTREMELY HIGH LEVELS OF PYROLYTIC OIL.
24 ALSO, IT HAD SOME HIGH VOLATILE NAPHTHALENE AND A
25 BUNCH OF OTHER TRACE CONSTITUENTS.

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1 BASICALLY TWO WEEKS LATER WE REMOVED
2 6,000 CUBIC YARDS OF HEAVILY STAINED MATERIAL AND
3 PLACED IT ON TOP OF THE FILL. WE EXCAVATED 30 TO
4 40 FEET BELOW THE ORIGINAL SURFACE, A HUNDRED FEET
5 LONG AND 30, 40 FEET IN WIDTH. THIS IS A PICTURE
6 OF OUR EXCAVATION. AS YOU CAN TELL, THAT'S A
7 SCRAPER. POINT OF REFERENCE. JUST TO GIVE YOU A
8 SIZE, THAT'S A TRUCK AND TRAILER SEMI. IT'S
9 ACTUALLY BIGGER THAN THAT. THE PROCESS WAS WE
10 DROPPED THE SCRAPER THROUGH THE CANYON, TURNED
11 THEM AROUND, DROPPED THE CAN, PICKED UP THE
12 CONTAMINATED MATERIAL, AND PLACED IT ON TOP OF THE
13 FILL.

14 WE DID THIS FOR APPROXIMATELY TWO
15 WEEKS. WE RAN INTO TWO PROBLEMS. ONE, WE STARTED
16 COMING BACK TOWARDS OUR ENCAPSULATED FILL. SECOND
17 PROBLEM IS THAT THE SLOPES WERE GETTING TO THE
18 POINT WHERE THEY WERE TOO STEEP AND WE COULD NOT
19 SHORE OR WE COULD NOT EXCAVATE ANY FURTHER.

20 THE THIRD PROBLEM, AGAIN, THIS WAS
21 END OF NOVEMBER AND WE HAD NOT PLACED OUR COVER,
22 SO I DIRECTED THE CONTRACTOR TO BEGIN THE COVER
23 PLACEMENT. I CALLED THE EPA FOR CONSULTATION ON
24 WHAT WOULD BE THE BEST METHOD TO FINISH THIS
25 PROJECT.

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1 THIS IS A CLOSE-UP OF THE CUT. YOU
2 CAN BARELY MAKE OUT THERE'S SOME PYROLYTIC OIL ON
3 THE RIGHT SIDE. THIS IS KIND OF A BAD PHOTO.
4 HERE'S A BETTER SHOT. AT THIS POINT YOU CAN SEE
5 THAT THE PYROLYTIC OIL WAS IN GRAVEL LAYERS, AND
6 THAT WAS LIKE 30 TO 40 FEET BELOW THE NATIVE
7 SURFACE THAT NOBODY HAD ANTICIPATED.

8 THIS IS EXACTLY WHAT HAPPENED, I
9 HOPE, TO THIS DAY. I SURMISED THAT MOST OF THE
10 OIL THAT WE THOUGHT WAS RUNNING DOWN THE CANYON,
11 THE RED ARROWS IN THE TOP, WAS COLLECTED IN THE
12 RETENTION DAMS. ACTUALLY WHAT HAPPENED WAS THE
13 MAJORITY OF THE OIL SATURATED THE GRAVEL LANDS
14 HIGHER UP IN THE CANYON, THEN WENT BELOW THE
15 NATIVE SURFACE 30 TO 40 FEET.

16 AS YOU CAN TELL, THERE'S A FINGER
17 ABOVE THE MAIN WEDGE. THAT WAS THE FINGER THAT WE
18 FIRST DISCOVERED. WE CHASED THAT LENS ABOUT 20
19 FEET UP THE CANYON AND THEN PROCEEDED TO GO A
20 HUNDRED FEET DOWN THE CANYON. AFTER THAT
21 PARTICULAR TIME, WE REALIZED THAT WE COULD NOT
22 REMOVE ALL THE PYROLYTIC OIL.

23 WE ELECTED TO PUT WHAT I CALL A CLAY
24 PLUG IN BETWEEN THE CANYON. AS YOU CAN SEE, THE
25 RED MATERIAL IS GOING DOWN IN THAT AREA. AT THE

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1 LAST DARK STAIN, WE PLACED THE CLAY PLUG
2 APPROXIMATELY 50 FEET PAST THAT. THE CLAY AND THE
3 DEPTH IN THAT AREA WAS ANYWHERE FROM, I THINK, 6
4 FEET TO ABOUT 30 FEET.

5 AFTER THE CLAY WAS PLACED, I ELECTED
6 TO BRING IN A 60 ML COEXTRUDED HDPE LINER TO
7 PREVENT ANY MIGRATION OF THE OIL FROM THE CLAY
8 INTO THE RETENTION BASIN. THE SECOND REASON I
9 ELECTED TO DO THIS PARTICULAR DESIGN WAS THAT THE
10 EXCAVATION CREATED A PROBLEM WITH THE RETENTION
11 DAM IS THAT THE HUNDRED-YEAR STORM LEVEL, IN OTHER
12 WORDS, WHEN THE DAM RELEASES ITS WATER, IT
13 ACTUALLY CAME BACK UP INTO THE CANYON AND ABOUT A
14 THIRD OF THE WAY OF THIS LINER. SO THE LINER
15 ACTUALLY DID TWOFOLDS. ONE, TO PREVENT THE OIL
16 FROM RELEASING THROUGH THE CLAY AND, TWO, TO
17 PREVENT THE WATER FROM MIGRATING THROUGH THE CLAY
18 AND PULLING THE OIL OUT.

19 AGAIN, THIS IS THE CONSTRUCTION OF
20 THE RETENTION DAM. HERE'S OUR SPILLWAY. AND AT
21 THE PROJECT'S FINISHING, WE HYDROSEDED AND PLACED
22 EROSION MATS ON ALL SLOPES STEEPER THAN THREE TO
23 ONE.

24 WE THOUGHT WE WERE DONE, COMPLETION.
25 WE PLACED CLAY FILL AND 60 ML COEXTRUDED HDPE

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1 BETWEEN THE CELL AND THE HUNDRED-YEAR STORM WATER
2 LEVEL. WE DID CONFIRMATION SAMPLING, AND THE
3 WATER SAMPLE INDICATED WE'RE AT BACKGROUND LEVELS.
4 AND WE COMPLETED LATER THAN WE THOUGHT. THE
5 REASON WAS WAS BECAUSE DURING DECEMBER AND
6 FEBRUARY -- OR EXCUSE ME -- JANUARY AND DECEMBER
7 WE RECEIVED APPROXIMATELY THE EQUIVALENT OF A
8 HUNDRED-YEAR STORM. WE HAD A 40-YEAR STORM AND A
9 60-YEAR STORM. WE HAD TO COME BACK AND REINFORCE
10 THE TOE. AS YOU CAN SEE NOW, WE HAVE A CULVERT.

11 AND THE LAST PHOTO HERE IS THE
12 RETENTION DAM 1 INCH FROM RELEASE. BASED ON OUR
13 CALCULATIONS, THAT WAS A HUNDRED-YEAR STORM EVENT.
14 WE WERE VERY LUCKY TO FINISH THE PROJECT AND
15 MAINTAIN THE INTEGRITY OF THE CAP.

16 I'D LIKE TO THANK YOU FOR YOUR TIME.
17 IF YOU HAVE ANY QUESTIONS, AND KEITH AND I CAN
18 ANSWER THOSE NOW.

19 CHAIRMAN FRAZEE: QUESTIONS? VERY WELL
20 DONE. QUESTIONS? COMMENTS?

21 MEMBER JONES: I DON'T HAVE ANY
22 QUESTIONS. I HAVE A COMMENT. I MEAN THIS
23 LOOKS -- YOU GUYS DID A GREAT JOB. I MEAN THIS IS
24 PRETTY TOUGH WHEN YOU START EXCAVATING SOMETHING
25 AND THEN FIND THAT IT KEEPS GOING. BUT THERE'S, I

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1 THINK, A FEW PEOPLE OUT IN THIS AUDIENCE THAT HAVE
2 MET MURPHY'S LAW MORE THAN ONCE. BUT YOU -- THIS
3 WAS GOOD STUFF. THIS IS WHAT WE'RE HERE FOR.

4 MEMBER RELIS: I THINK IT GIVES US A
5 GREAT FRAMEWORK NOW FOR UNDERSTANDING WHAT WE
6 WOULD HAVE TO DO IN THE EVENT, INCLUDING THE COST
7 OF TAKING ON A MAJOR FIRE, SOMEWHERE ELSE SHOULD
8 IT HAPPEN. SO APPRECIATE IT VERY MUCH.

9 BOARD MEMBER PENNINGTON: MR. CHAIRMAN, I
10 ALSO WANT TO COMMENT ON THE EXCELLENT JOB. THIS
11 PARTICULAR FIRE IS INTERESTING, AND I WAS
12 INTERESTED IN WHAT DOROTHY WAS SAYING ABOUT THE
13 CAL/EPA PEOPLE HAD AWARDED US ALL THIS DISTINCTION
14 FOR GREAT WORK ON IT SINCE WE CAME UNDER SEVERE
15 FIRE WHEN WE FIRST ENTERED INTO IT, AND THERE WAS
16 EVEN SOME NASTY PRESS HURLED AT THE BOARD FOR ITS
17 INVOLVEMENT IN THIS PROJECT. AND IT PROVES AND
18 VINDICATES US, I THINK, SUBSTANTIALLY AND PROVES
19 THAT WE DID KNOW WHAT WE WERE DOING AND THAT THE
20 STAFF DID AN EXCELLENT JOB. I'M PLEASED AND THANK
21 YOU.

22 CHAIRMAN FRAZEE: HOW DID YOU COME OUT
23 BUDGETWISE, THEN, WITH THE -- WITH ALL OF THE
24 UNEXPECTED WORK?

25 MR. THALHAMER: THE BOARD AUTHORIZED

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1 \$500,000. WE RAN IT RIGHT UP TO ITS MAXIMUM. WE
2 COMPLETED THE PROJECT, AND THEN WE HAD STORM
3 DAMAGE, WHICH COST AN ADDITIONAL \$35,000 TO FIX.

4 THE PROBLEM WITH THAT IS THAT WE
5 ONLY WERE ALLOWED TO WORK ONE TO TWO DAYS THROUGH
6 FEBRUARY TO ATTEMPT TO FIX IT. IT WAS JUST REALLY
7 WET AND REALLY HARD TO WORK WITH, SO WE WENT TO
8 THE MAXIMUM.

9 THE TOTAL WITH EPA INVOLVEMENT,
10 STAFF, APPROXIMATELY 850,000 BY THE TIME YOU
11 CALCULATE ALL THE STUDIES THAT WERE DONE, THE
12 SAMPLING ANALYSIS, ENGINEERING DESIGN CONSTRAINT,
13 IT WAS APPROACHING A MILLION TO SOLVE THIS
14 PARTICULAR ENVIRONMENTAL PROBLEM.

15 CHAIRMAN FRAZEE: OKAY. WELL, THAT'S
16 VERY INTERESTING TO HEAR THE FOLLOW-UP ON THAT. I
17 VISITED THE SITE DURING ITS EARLY STAGES, AND A
18 LOT HAPPENED AFTER MY VISIT I CAN SEE. OKAY.
19 THANKS AGAIN.

20 BOARD MEMBER PENNINGTON: I VISITED IT
21 ALSO, AND HAD A PAIR OF TENNIS SHOES MELT.

22 CHAIRMAN FRAZEE: RECAPS. OKAY. NOW
23 LET'S -- WELL, JUST AS A REMINDER, IF ANYONE
24 WISHES TO SPEAK ON AN ITEM THAT'S BEFORE THE

BOARD

25 TODAY, IF YOU WOULD FILL OUT SPEAKER SLIPS THAT

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1 ARE ON THE BACK TABLE AND BRING THOSE FORWARD TO
2 THE COMMITTEE SECRETARY, WE'LL CALL ON YOU AT THE
3 APPROPRIATE TIME.

4 LET'S TAKE THE CONSENT CALENDAR AT
5 THIS TIME, AND THIS CONSISTS OF ITEMS 1, 2, AND 3.

6 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
7 MOTION THAT WE ACCEPT THE CONSENT CALENDAR.

8 MEMBER RELIS: I'LL SECOND THAT.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
10 SECOND ON THE CONSENT CALENDAR. SECRETARY CALL
11 THE ROLL ON THAT, PLEASE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS
18 CARRIED. AND THAT WILL GO ON TO THE FULL BOARD'S
19 CONSENT CALENDAR.

20 NOW WE ARE READY FOR ITEM NO. 4.

21 THIS IS THE CONSIDERATION OF A STANDARDIZED
22 COMPOSTING PERMIT FOR THE RECYC INCORPORATED
23 REGIONAL COMPOSTING FACILITY IN RIVERSIDE COUNTY.

24 MS. RICE: THANK YOU, MR. CHAIRMAN.

DAVE

25 OTSUBO WILL MAKE THE STAFF PRESENTATION ASSISTED

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1 BY BILL PRINZ WITH THE LOCAL ENFORCEMENT AGENCY.

2 MR. OTSUBO: GOOD MORNING, MR. CHAIRMAN,
3 MEMBERS OF THE COMMITTEE. ITEM 4 REGARDS THE
4 CONSIDERATION OF A STANDARDIZED COMPOSTING PERMIT
5 FOR RECYC INCORPORATED REGIONAL COMPOSTING
6 FACILITY.

7 I BELIEVE YOU HAVE THE HANDOUT THAT
8 I GAVE -- TURNED IN THIS MORNING WITH A COPY OF
9 THE SITE MAP AND PROPOSED PERMIT. AT THE TIME
10 THAT THIS ITEM WAS WRITTEN, THOSE WERE NOT
11 AVAILABLE.

12 THIS FACILITY HAS OPERATED SINCE
13 1990 IN AN UNINCORPORATED AREA OF THE COUNTY NEAR
14 CORONA. THE SITE USES THE WIND ROW PROCESS.
15 BIOSOLIDS ARE PLACED ON ONE OF THE IMPERMEABLE
16 CLAY PADS AND THEN MIXED WITH A BULKING AGENT AND
17 FINISHED COMPOST.

18 THIS MATERIAL IS PLACED ON A 6- TO
19 12-INCH BASE OF FINISHED COMPOST AND FORMED INTO A
20 WIND ROW. THE SITE USES SCARAB TO TURN THE ROWS.

21 THIS SITE IS PERMITTED UNDER A FULL
22 PERMIT ISSUED IN 1990. THE SITE WAS THEN KNOWN AS
23 THE TEMESCAL CANYON COMPOSTING SITE. UNDER THAT
24 FULL PERMIT, THE SITE WAS ALLOWED TO TAKE UP TO
25 500 TONS PER DAY OF BIOSOLIDS AND HAD A PERMITTED

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1 ACREAGE OF 81 ACRES.

2 UNDER THE PROPOSED PERMIT, SINCE IT
3 IS A STANDARDIZED PERMIT, THERE IS NO MAXIMUM
4 TONNAGE, DAILY TONNAGE, OR ACREAGE PROSCRIBED.
5 THERE IS THE CAPACITY, WHICH IS JUST OVER A
6 102,000 CUBIC YARDS OF MATERIAL ON SITE AT ANY
7 GIVEN TIME.

8 IN OCTOBER OF '96, THE COUNTY ISSUED
9 A CONDITIONAL USE PERMIT -- MODIFIED THE EXISTING
10 CONDITIONAL USE PERMIT FOR THE SITE FOLLOWING
11 SEVERAL OFTEN CONTENTIOUS PLANNING COMMISSION AND
12 BOARD OF SUPERVISORS MEETINGS. UNDER THE MODIFIED
13 CUP, THERE IS AN ALLOWED STEPPED INCREASE IN
14 TONNAGE UP TO 1232 TONS PER DAY OVER SEVERAL YEARS
15 IF ALL THE CONDITIONS OF THE CUP ARE MET.

16 CUP IS VERY COMPREHENSIVE, INCLUDES
17 SEVERAL CONDITIONS RELATED TO ODOR CONTROL. AND
18 BILL PRINZ OF THE LEA IS PREPARED TO DISCUSS
19 THESE.

20 THE SUPERVISORS ALSO ADOPTED A
21 STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO
22 AIR QUALITY AND ODOR IMPACTS THAT COULD NOT BE
23 TOTALLY MITIGATED.

24 IN REVIEWING THE SUBMITTED
25 DOCUMENTATION, THE LEA AND BOARD STAFF HAVE

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1 DETERMINED THE FOLLOWING: THE FACILITY IS
2 CONSISTENT WITH PRC SECTION 50000 BY VIRTUE OF IT
3 BEING CONSISTENT WITH THE NONDISPOSAL FACILITY
4 ELEMENT OF THE PROPOSED CIWMP, AND THE FACILITY IS
5 IN CONFORMANCE WITH THE COUNTY GENERAL PLAN. AT
6 THE TIME THAT THE ITEM WAS WRITTEN, THESE TWO
7 FINDINGS WERE NOT AVAILABLE; AND SINCE THEN, THE
8 BOARD'S OFFICE OF LOCAL ASSISTANCE WAS ABLE TO
9 VERIFY THE FINDINGS.

10 ON JUNE 30TH STAFF RECEIVED A COPY
11 OF THE FINAL SUBSEQUENT EIR FOR THE PROJECT AND
12 REVIEWED THE DOCUMENT TO DETERMINE IF BOARD
13 STAFF'S RESPONSES HAD BEEN ADEQUATELY ADDRESSED.
14 BOARD ENVIRONMENTAL REVIEW STAFF, AFTER REVIEWING
15 THE FINAL EIR, THE BOARD OF SUPERVISORS
16 RESOLUTION, AND THE REPORT OF COMPOSTING SITE
17 INFORMATION, AND CONSULTING WITH LEAD AGENCY
18 BELIEVE THAT ALL THE COMMENTS HAVE BEEN ADDRESSED.

19 STAFF HAVE REVIEWED THE PROPOSED
20 PERMIT AND SUPPORTING DOCUMENT AND FOUND THEM TO
21 BE ACCEPTABLE. IN CONCLUSION, STAFF RECOMMENDS
22 THAT THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
23 NO. 97-298, CONCURRING IN THE ISSUANCE OF SOLID
24 WASTE FACILITY PERMIT NO. 33-AA-0225. AND THIS
25 CONCLUDES STAFF'S PRESENTATION. AND BILL PRINZ
OF

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1 THE RIVERSIDE COUNTY DEPARTMENT OF ENVIRONMENTAL
2 HEALTH IS ALSO AVAILABLE.

3 CHAIRMAN FRAZEE: OKAY. DO YOU WISH TO
4 MAKE ANY STATEMENT, ANY COMMENTS?

5 MR. PRINZ: BASICALLY I'D JUST LIKE TO
6 SAY THAT IT'S BEEN GOOD TO FINALLY GET TO THIS
7 POINT. WE'VE BEEN WORKING FOR QUITE A WHILE WITH
8 THE OPERATOR, AND THERE'S BEEN A LOT OF
9 COOPERATION BETWEEN THE LEA AND THE OPERATOR AND
10 THE COUNTY IN RECENT YEARS THAT HAVE REALLY
11 BROUGHT THIS PROJECT FORWARD. AND I THINK WE HAVE
12 A GOOD PROJECT.

13 MEMBER RELIS: MR. CHAIR, JUST FOR SOME
14 OF YOU WHO WEREN'T AROUND, WE HAD SOME PROBLEMS
15 EARLY ON WITH THIS PROJECT. AND I'M REALLY GLAD
16 TO SEE THAT THIS HAS BEEN IRONED OUT BECAUSE THERE
17 WERE SOME SERIOUS CONCERNS OVER BEING OVER
18 CAPACITY IN THE STORAGE AREA AND THE ODOR. AND I
19 MEAN IT LOOKED LIKE A TROUBLED FACILITY AT ONE
20 POINT, BUT THIS IS REAL PROGRESS. IT'S AN
21 IMPORTANT FACILITY FOR SOUTHERN CALIFORNIA.

22 CHAIRMAN FRAZEE: DOES THE OPERATOR WISH
23 TO MAKE ANY STATEMENT?

24 MR. MCGEE: CHAIRMAN RELIS -- EXCUSE
25 ME -- CHAIRMAN FRAZEE, MEMBERS OF THE BOARD, BOB

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1 MCGEE WITH RECYC INCORPORATED. I JUST WANTED TO
2 THANK YOURSELVES AND THE LEA FOR WORKING WITH US
3 OVER THE LAST COUPLE YEARS IN GETTING US TO THIS
4 POINT. MEMBER RELIS IS ABSOLUTELY CORRECT. THIS
5 WAS A PROBLEM YEARS BACK. BY WORKING WITH THE LEA
6 AND THE BOARD OF SUPERVISORS, WE RESOLVED THE
7 MAJORITY OF THOSE PROBLEMS. AND WE'RE HERE TODAY,
8 AND WE URGE CONCURRENCE WITH STAFF RECOMMEN-
9 DATIONS.

10 CHAIRMAN FRAZEE: OKAY. THANK YOU.

11 MEMBER JONES: MR. CHAIRMAN, I DON'T HAVE
12 ANY COMMENTS, BUT I WILL MAKE A MOTION TO CONCUR
13 WITH THE PERMIT DECISION NO. 97-209.

14 MEMBER RELIS: SECOND.

15 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
16 SECOND ON THE ADOPTION OF PERMIT DECISION 97-298.
17 IF THE SECRETARY WILL CALL THE ROLL ON THAT,
18 PLEASE.

19 THE SECRETARY: BOARD MEMBER RELIS.

20 MEMBER RELIS: AYE.

21 THE SECRETARY: JONES.

22 MEMBER JONES: AYE.

23 THE SECRETARY: CHAIRMAN FRAZEE.

24 CHAIRMAN FRAZEE: AYE. MOTION IS
25 CARRIED. IS THERE ANY OBJECTION TO CONSENT ON

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1 THIS ITEM? IF NOT, THIS WILL BE RECOMMENDED FOR
2 THE FULL BOARD'S CONSENT CALENDAR. THANK YOU.

3 NOW, ITEM 5 IS THE CONSIDERATION OF
4 THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY
5 PERMIT FOR TOTAL TIRE RECYCLING IN SACRAMENTO
6 COUNTY.

7 MS. RICE: THANK YOU, MR. CHAIRMAN.
8 CHARLOTTE SABEH WILL MAKE THE PRESENTATION FOR
9 STAFF.

10 MS. SABEH: GOOD MORNING, MR. CHAIRMAN
11 AND MEMBERS OF THE COMMITTEE. THIS AGENDA ITEM
12 REGARDS THE BOARD'S CONSIDERATION OF THE ISSUANCE
13 OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR
14 TOTAL TIRE RECYCLING OF SACRAMENTO COUNTY.

15 JUST A BRIEF HISTORY OF THE SITE.
16 TOTAL TIRE RECYCLING, WHICH IS COMMONLY KNOWN AS
17 TTR, SUBMITTED AN APPLICATION FOR THE MAJOR WASTE
18 TIRE FACILITY PERMIT ON MAY 13, 1997. AFTER
19 RECEIVING ADDITIONAL INFORMATION ON VECTOR
CONTROL

20 AND ENVIRONMENTAL REVIEW, THE APPLICATION WAS
21 DETERMINED COMPLETE BY BOARD STAFF ON JUNE 16,
22 1997.

23 TTR WAS ORIGINALLY LOCATED ON
24 HARVARD STREET AND OPERATED THERE AS A MINOR
WASTE

25 TIRE FACILITY FROM JUNE 1995 UNTIL THE SITE MOVED

37

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1 TO ITS CURRENT LOCATION ON THYS COURT. FROM JUNE
2 1996 UNTIL NOW, TTR HAS BEEN OPERATING UNDER AN
3 EXCLUSION FROM WASTE TIRE FACILITY PERMIT
4 REQUIREMENTS. AS THE OPERATION IS EXPANDING, THE
5 OPERATOR DECIDED TO PURSUE A MAJOR WASTE TIRE
6 FACILITY PERMIT.

7 TTR IS LOCATED ON FOUR AND
8 THREE-QUARTERS ACRES IN A HEAVY INDUSTRIAL ZONE
9 WHICH IS PART OF BOTH THE SACRAMENTO RECYCLING
10 MARKET DEVELOPMENT ZONE AND THE ENTERPRISE ZONE
11 KNOWN AS THE FLORIN-PERKINS AREA.

12 THE OPERATION ACCEPTS ALL TYPES OF
13 WASTE TIRES FROM PASSENGER TO SMALL AND LARGE
14 EARTH MOVER AND FORKLIFT TIRES. THESE TIRES ARE
15 RECEIVED FROM LOCAL TIRE DEALERS AND REGISTERED
16 HAULERS THROUGHOUT NORTHERN CALIFORNIA. TOTAL
17 TIRE ACCEPTS TIRES FROM THE PUBLIC AS WELL AS
18 SELF-HAUL, AND TOTAL TIRE RECYCLING IS A
19 REGISTERED WASTE TIRE HAULER.

20 TTR HAS APPLIED FOR A MAJOR WASTE
21 TIRE PERMIT FOR 105 TONS OR APPROXIMATELY 10,500
22 WASTE TIRE EQUIVALENTS. CURRENTLY TOTAL TIRE
23 RECYCLING HAS LESS THAN 4,999 WASTE TIRES ON SITE
24 PENDING ISSUANCE OF THE MAJOR WASTE TIRE FACILITY
25 PERMIT. TOTAL TIRE RECYCLING IS PLANNING TO

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1 INSTALL CRUMBING EQUIPMENT IN THE NEAR FUTURE AND
2 CONVERT WASTE TIRES INTO CRUMB RUBBER FOR USE IN
3 RUBBER PRODUCTS.

4 A PREPERMIT INSPECTION OF THE SITE
5 HAS BEEN PERFORMED BY BOARD STAFF ALONG WITH A
6 REPRESENTATIVE OF THE SACRAMENTO COUNTY LOCAL
7 ENFORCEMENT AGENCY. THIS INSPECTION WAS PERFORMED
8 ON JULY 2, 1997.

9 BOARD STAFF HAVE REVIEWED THE
10 APPLICATION AND SUPPORTING DOCUMENTATION AND BASED
11 ON THESE DOCUMENTS AND THE PREPERMIT INSPECTION,
12 MAKE THE FOLLOWING FINDINGS: FOR TIRE STORAGE AND
13 DISPOSAL STANDARDS, TTR HAD MET LOCAL FIRE
14 AUTHORITY REQUIREMENTS FOR THE INDOOR AND OUTDOOR
15 STORAGE OF WASTE TIRES. TTR ALSO HAS A VECTOR
16 CONTROL PLAN APPROVED BY THE SACRAMENTO-YOLO
17 MOSQUITO AND VECTOR CONTROL DISTRICT. SITE ACCESS
18 AND SITE SECURITY MEET THE STATE OF CALIFORNIA
19 MINIMUM STANDARDS FOR WASTE TIRE FACILITIES.

20 AND CONCERNING THE CALIFORNIA
21 ENVIRONMENTAL QUALITY ACT, THE PERMITS BRANCH
22 ENVIRONMENTAL REVIEW SECTION HAS DETERMINED THAT
23 THE CITY OF SACRAMENTO ENVIRONMENTAL DOCUMENTS ON
24 FILE FOR THE FLORIN-PERKINS AREA ARE APPROPRIATE
25 FOR THE BOARD'S CONSIDERATION. CLOSURE PLAN AND

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1 REDUCTION ELIMINATION PLAN: THE CLOSURE PLAN AND
2 REDUCTION ELIMINATION PLAN SUBMITTED BY THE
3 OPERATOR HAVE BEEN REVIEWED BY STAFF AND HAVE BEEN
4 DETERMINED TO MEET THE MAJOR WASTE TIRE FACILITY
5 PERMITTING REQUIREMENTS. FINANCIAL ASSURANCE:
6 FINANCIAL ASSURANCE STAFF HAVE REVIEWED THE
7 FINANCIAL ASSURANCE DOCUMENTS AND HAVE DETERMINED
8 THEY MEET THE MAJOR WASTE TIRE FACILITY PERMITTING
9 REQUIREMENTS.

10 BASED ON THESE FINDINGS AND THE
11 FACTS PRESENTED IN THE AGENDA ITEM, STAFF FINDS
12 THAT THE APPLICATION IS IN COMPLIANCE WITH THE
13 WASTE TIRE STORAGE AND DISPOSAL STANDARDS AND THE
14 WASTE TIRE FACILITY PERMITTING REGULATIONS.
15 THEREFORE, STAFF RECOMMENDS THAT THE BOARD ADOPT
16 PERMIT DECISION 97-299, APPROVING THE ISSUANCE OF
17 MAJOR WASTE TIRE FACILITY PERMIT NO. 34-TI-0689.

18 THIS CONCLUDES MY PRESENTATION. MR.
19 MICHAEL PAYAN FROM TOTAL TIRE RECYCLING AND JON
20 SOUZA, WASTE REDUCTION COORDINATOR, DEPARTMENT OF
21 PUBLIC WORKS, CITY OF SACRAMENTO, ARE HERE TO
22 PROVIDE ANY ADDITIONAL INFORMATION. THANK YOU.

23 CHAIRMAN FRAZEE: THANK YOU. WE HAVE
24 SPEAKER SLIPS FROM MICHAEL PAYAN, TOTAL TIRE
25 RECYCLING.

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1 MR. PAYAN: GOOD MORNING, BOARD MEMBERS.
2 MY NAME IS MICHAEL PAYAN, AND I'M AN EMPLOYEE OF
3 TOTAL TIRE RECYCLING. IT IS MY RESPONSIBILITY
4 WITH THE COMPANY TO WORK WITH THE REGULATORY SIDE
5 OF THE INDUSTRY.

6 WE'VE BEEN IN BUSINESS HERE IN
7 SACRAMENTO FOR FIVE AND A HALF YEARS, AND WE
8 EMPLOY -- WE CURRENTLY EMPLOY 58 PEOPLE ON OUR
9 PAYROLL.

10 IN JUNE OF 1996, WE RELOCATED TO THE
11 RECYCLING MARKET DEVELOPMENT ZONE, AND THIS
12 LOCATION IS A HIGHLY VISIBLE LOCATION. AND THE
13 OWNER, GARY MATRANGA, IS QUITE PROUD OF IT. I'M
14 SURE A FEW OF YOU HAVE TALKED TO GARY AND KNOW HOW
15 COLORFUL HE CAN BE.

16 IN JANUARY OF THIS YEAR,
17 CHARLOTTE --

18 BOARD MEMBER JONES: THAT MAY BE THE
19 UNDERSTATEMENT OF THE YEAR.

20 MR. PAYAN: IN JANUARY OF THIS YEAR,
21 CHARLOTTE ENCOURAGED US TO APPLY FOR A MAJOR WASTE
22 TIRE FACILITY PERMIT. AND WE CURRENTLY OPERATE
23 WITH AN EXCLUSION STATUS AT THE FACILITY. WE FEEL
24 THIS APPLICATION BEFORE YOU TODAY IS A GOOD
25 BUSINESS DECISION FOR US, AS WELL AS A STEP IN THE

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1 RIGHT DIRECTION IN DEVELOPING A MORE POSITIVE
2 IMAGE IN NORTHERN CALIFORNIA'S WASTE TIRE
3 INDUSTRY.

4 WE ARE COMMITTED TO OPERATING THIS
5 FACILITY WITHIN THE REGULATIONS ADOPTED BY THE
6 BOARD AND LOCAL ENFORCEMENT AGENCIES INVOLVED. IT
7 IS OUR INTENTION TO SET AN EXAMPLE FOR FUTURE
8 PERMITTED WASTE TIRE FACILITIES.

9 ARE THERE ANY QUESTIONS?

10 CHAIRMAN FRAZEE: NO. I WAS INTERESTED
11 IN THE STATEMENT THAT YOU PLAN ON PUTTING A
12 CRUMBING OPERATION IN LATER ON.

13 MR. PAYAN: CORRECT. WE ARE CURRENTLY
14 WORKING WITH ROMA CRISTIA-PLANT, A REGIONAL CREDIT
15 MANAGER WITH THE BOARD. SHE IS THE COORDINATOR
16 FOR THE RECYCLING MARKET DEVELOPMENT ZONE. WE'RE
17 WORKING ON A BUSINESS PLAN RIGHT NOW FOR A CRUMB
18 RUBBER OPERATION.

19 WE UNDERSTAND THAT THEY'RE VERY HIGH
20 RISK LOANS, AND THAT'S WHY WE'RE REALLY TAKING OUR
21 TIME ON IT AND MAKING SURE THAT THE BUSINESS PLAN
22 ANSWERS ALL THE QUESTIONS EVOLVING AROUND THESE
23 TYPES OF OPERATION. I UNDERSTAND THE TWO THAT
24 WERE FUNDED HAVE GONE INTO DEFAULT. SO WE WANT TO
25 MAKE SURE THAT WHEN OUR PLAN IS SUBMITTED, IT'S

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1 GOING TO PASS. SO WE ARE WORKING ON THAT
2 CURRENTLY RIGHT NOW.

3 MEMBER RELIS: COULD I ASK, MR. CHAIR,
4 WHAT IS THE EXPERIENCE OF THE COMPANY IN THE TIRE
5 BUSINESS? I'M JUST CURIOUS.

6 MR. PAYAN: THE EXPERIENCE? WHAT TYPE OF
7 EXPERIENCE? AS FAR AS RECYCLING OR DISPOSAL?

8 MEMBER RELIS: I GUESS WHAT KIND OF
9 BACKGROUND DOES THE COMPANY BRING TO THE TIRE
10 PROBLEM?

11 MR. PAYAN: WELL, RIGHT NOW, I MEAN THE
12 BACKGROUND WE HAVE IN THE TIRE INDUSTRY IS WE
13 ARE -- WE'VE BEEN A PERMITTED FACILITY FROM DAY
14 ONE. WE HAVE A VERY CLEAN TRACK RECORD WITH THE
15 BOARD AND THE LOCAL AGENCIES INVOLVED. WE PROVIDE
16 CLEANUP SERVICES, BOTH PRIVATE AND PUBLIC. WE
17 PROVIDE COLLECTION SERVICES FOR NOT ONLY CITIES,
18 BUT COUNTIES THROUGHOUT NORTHERN CALIFORNIA IN THE
19 SAN FRANCISCO BAY AREA, AS WELL AS RETAIL TIRE
20 DEALERS. OUR EXPERIENCE HAS BEEN FOR THE LAST
21 FIVE YEARS IN THE TIRE DISPOSAL AND RECYCLING
22 INDUSTRY.

23 MEMBER RELIS: THANK YOU.

24 CHAIRMAN FRAZEE: OKAY. THANK YOU.

NOW

25 MIKE -- JON SOUZA REPRESENTING THE CITY OF

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1 SACRAMENTO. THANK YOU.

2 MR. SOUZA: YES. MY NAME IS JON SOUZA.

3 I ALSO GO BY THE NAME OF SOUSA AND SOUZA.

4 CITY OF SACRAMENTO HOPES YOU WILL
5 PERMIT TTR. IT IS THE FIRST MAJOR TIRE FACILITY
6 IN THE SACRAMENTO AREA. IT IS A NEEDED FACILITY
7 BECAUSE OF THE TIRE DUMPING PROGRAM THAT WE HAVE
8 HERE. TTR IS A BONA FIDE COMPANY, AS WELL AS A
9 CLEAN-RUN PROCESSING FACILITY. THEY'RE LOCATED,
10 AS WAS MENTIONED EARLIER, IN THE RMDZ IN THE
11 FLORIN ENTERPRISE ZONE, SO THEY ARE A VERY FINE
12 EMPLOYER OF CANDIDATES THAT COME FROM TRAINING
13 CENTERS IN THE AREA. THANK YOU VERY MUCH.

14 CHAIRMAN FRAZEE: OKAY. THANK YOU.

15 MEMBER JONES: MR. CHAIRMAN, MR.
16 MATRANGA, HE'S A PLAYER. I MEAN HE, AFTER OUR
17 WENBURY EXPERIENCE IN POLICY COMMITTEE THE OTHER
18 DAY, HE CALLED UP AND TALKED TO ME AND LET
19 ME KNOW

20 WHAT WAS GOING ON. HE'S GOT ONE OF MY
21 FORMER

22 EMPLOYEES WORKING FOR HIM, SO THAT ALONE
23 TELLS ME

24 HE'S GOT GOOD JUDGMENT.

25 I'D LIKE TO MOVE THAT WE ISSUE
26 PERMIT DECISION NO. 97-299.

24
25
AND

MEMBER RELIS: SECOND.
CHAIRMAN FRAZEE: WE HAVE A MOTION

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1 SECOND ON PERMIT DECISION 97-299. IF THE
2 SECRETARY WILL CALL THE ROLL ON THAT.

3 THE SECRETARY: BOARD MEMBER RELIS.

4 MEMBER RELIS: AYE.

5 THE SECRETARY: JONES.

6 MEMBER JONES: AYE.

7 THE SECRETARY: CHAIRMAN FRAZEE.

8 CHAIRMAN FRAZEE: AYE. ALL MEMBERS

9 VOTING AYE, AND THAT ONE WE'LL RECOMMEND FOR
10 CONSENT WITHOUT OBJECTION.

11 NOW ITEM 7 WE TOOK CARE OF ALREADY.

12 MS. RICE: RIGHT. WOULD SUGGEST THAT IT
13 BE FORWARDED TO THE BOARD WITHOUT RECOMMENDATION.

14 CHAIRMAN FRAZEE: AND ITEM 8 WAS PULLED.
15 ITEM 9 IS THE MEMORANDUM OF AGREEMENT,
16 CONSIDERATION OF APPROVAL OF A MEMORANDUM OF
17 AGREEMENT WITH THE CITY OF EL PASO DE ROBLES FOR
18 THE ENFORCEMENT AGENCY DUTIES.

19 MS. RICE: THANK YOU, MR. CHAIRMAN AND
20 MEMBERS. BOB HOLMES WILL MAKE THE STAFF
21 PRESENTATION.

22 MR. HOLMES: GOOD MORNING, CHAIRMAN,
23 MEMBERS OF THE COMMITTEE. THIS ITEM CONCERNS A
24 MEMORANDUM OF AGREEMENT WITH THE CITY OF PASO
25 ROBLES FOR THE BOARD AS ENFORCEMENT AGENCY DUTIES

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1 AS REQUIRED BY PUBLIC RESOURCES CODE SECTIONS
2 43212.1 AND 43310.1.

3 THE AGREEMENT IS DESIGNED TO
4 IDENTIFY THE JURISDICTIONAL BOUNDARIES OF THE
5 ENFORCEMENT AGENCY, ADDRESS THE POWERS AND DUTIES
6 TO BE PERFORMED BY THE BOARD AS THE ENFORCEMENT
7 AGENCY, AND IDENTIFY AN ESTIMATED WORKLOAD AND
8 ANTICIPATED COST TO THE BOARD. THE AGREEMENT
MUST

9 ALSO IDENTIFY THE COST RECOVERY PROCEDURES TO BE
10 FOLLOWED BY THE BOARD.

11 THE DRAFT AGREEMENT, WHICH WAS
12 DISTRIBUTED TO THE MEMBERS AT BRIEFINGS EARLIER
13 THIS WEEK AND LAST WEEK, WAS DISCUSSED WITH THE
14 CITY. AND AT THAT POINT WE HAD JUST ONE

PARAGRAPH

15 THAT WAS OUTSTANDING. THE SUPPLEMENTAL PARAGRAPH
16 THAT WAS JUST PASSED OUT TO YOU REPRESENTS THE
17 AGREEMENT ON THAT PARAGRAPH.

18 SO WITH THAT, BOTH THE CITY AND
19 BOARD STAFF, LEGAL STAFF ARE PLEASED WITH THE
20 LANGUAGE OF THE AGREEMENT. THE CITY IS NOT HERE
21 TODAY AS FAR AS I KNOW. I UNDERSTAND THEY HAVE A
22 COUNCIL MEETING TODAY, AND I'M NOT CERTAIN
WHETHER

23 OR NOT THIS AGREEMENT GOT ON THEIR CALENDAR

TODAY.

24 I UNDERSTAND THEY MAY -- IT MAY BE FIRST PART OF
25 AUGUST BEFORE THEY SEE IT, THE COUNCIL
THEMSELVES.

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1 LEGAL STAFF HAS SEEN IT.

2 CHAIRMAN FRAZEE: DO YOU HAVE A
3 RESOLUTION NUMBER?

4 MR. HOLMES: RESOLUTION 303.

5 CHAIRMAN FRAZEE: 97-303. OKAY.

6 MR. HOLMES: THAT CONCLUDES MY
7 PRESENTATION. ANY QUESTIONS?

8 MEMBER RELIS: MR. CHAIR, IF THERE'S NO
9 OTHER CONCERNS RAISED, I'M WILLING TO MOVE THIS
10 RESOLUTION.

11 MEMBER JONES: I'LL SECOND.

12 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
13 SECOND ON THE ADOPTION OF RESOLUTION 97-303.
14 SECRETARY WILL CALL THE ROLL ON THIS ONE, PLEASE.

15 THE SECRETARY: BOARD MEMBER RELIS.

16 MEMBER RELIS: AYE.

17 THE SECRETARY: JONES.

18 MEMBER JONES: AYE.

19 THE SECRETARY: CHAIRMAN FRAZEE.

20 CHAIRMAN FRAZEE: AYE. ALL MEMBERS

21 VOTING AYE. THIS ONE, I BELIEVE, WE CAN
RECOMMEND

22 FOR CONSENT ALSO IF THERE'S NO OBJECTION.

23 OKAY. NOW, ITEM 10 IS
CONSIDERATION

24 OF THE ALLOCATION OF FISCAL YEAR 1997-1998

FUNDS

25

SITE

FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL

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1 CLEANUP PROGRAM, THE AB 2136.

2 MS. RICE: THANK YOU, MR. CHAIRMAN.

3 MARGE ROUCH WILL MAKE THE STAFF PRESENTATION.

4 MS. ROUCH: GOOD MORNING, CHAIRMAN FRAZEE
5 AND COMMITTEE MEMBERS. ITEM 10 IS FOR THE
6 ALLOCATION OF FISCAL YEAR 1997-1998 FUNDS FOR THE
7 CLEANUP PROGRAM. OF THE ORIGINAL \$5 MILLION
8 APPROPRIATED BY THE LEGISLATURE, 300,000 WILL GO
9 FOR ADMINISTRATION AND 32,173 WILL GO FOR PRO
10 RATA.

11 STAFF PROPOSES THAT \$2 MILLION BE
12 SET ASIDE FOR GRANTS AND LOANS FOR THIS NEXT
13 FISCAL YEAR AND \$2,667,827 FOR BOARD CONTRACTS.
14 WE ARE WORKING WITH SEVERAL LOCAL GOVERNMENTS AT
15 THIS TIME EVALUATING SITES THAT THEY HAVE
16 REQUESTED REMEDIATION ON. AND THEY ARE LISTED IN
17 TABLE 2, BUT THAT IS NOT AN EXCLUSIVE LIST. THERE
18 ARE MANY OTHER SITES THAT ARE POTENTIAL
19 CANDIDATES.

20 WE PROPOSE DISTRIBUTING THE CONTRACT
21 DOLLARS AS SHOWN IN TABLE 3 OF THE ITEM, WHICH
22 WOULD MEAN THAT GRANITE CONSTRUCTION WOULD GET
23 \$837,827, SUKUT CONSTRUCTION WOULD GET \$1,080,000,
24 AND BRYAN A. STIRRAT & ASSOCIATES WOULD GET
25 \$750,000.

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1 AS A FOOTNOTE, THIS ITEM INCLUDES AN
2 UPDATED AND REVISED TABLE LISTING SITES THAT HAVE
3 BEEN EVALUATED, NEED TO BE INVESTIGATED, OR ARE
4 NOT GOING TO BE CONSIDERED DUE TO VARIOUS REASONS.
5 STAFF RECOMMENDS APPROVAL OF THE TRUST FUND AS
6 SHOWN IN THIS ITEM. ARE THERE ANY QUESTIONS?

7 MEMBER JONES: I HAVE A COUPLE OF
8 QUESTIONS. DURING THE BRIEFING, I HAD BROUGHT
9 UP -- WE HAD TALKED ABOUT SOME ISSUES WITH -- I
10 THINK GRANITE'S CONTRACT IS NOT TO EXCEED 2.5
11 MILLION. AND THIS 837,000 PUTS US ABOUT 445,000.
12 AND THEN BRYAN STIRRAT'S CONTRACT WAS NOT TO
13 EXCEED A MILLION.

14 NOW, I UNDERSTAND WE CAN AUGMENT
15 THOSE CONTRACTS. I DON'T HAVE ANY PROBLEM WITH
16 THAT, BUT WE'VE GOT A NEW CONTRACTOR IN GUINN
17 CONSTRUCTION, WHICH IS AT A MILLION EIGHT, AND HIS
18 CONTRACT WOULD HAVE BEEN NOT TO EXCEED 2.5
19 MILLION.

20 MS. ROUCH: I THINK YOU GOT ME. I THINK
21 IT'S \$2 MILLION. I DON'T THINK IT'S 2.5.

22 MEMBER JONES: YOU KNOW, WHAT I WOULD
23 PROPOSE WOULD BE TO CHANGE THE ALLOCATION TO
24 GRANITE CONSTRUCTION TO \$392,005 AND THE BRYAN
25 STIRRAT CONTRACT TO THE NEW ALLOCATION OF 500,000.

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1 THAT WOULD PUT IT ABOUT \$695,822. I THINK WE NEED
2 TO KEEP THOSE DOLLARS IN THE SAME CATEGORY OF
3 CONTRACTORS AND PROFESSIONALS, BUT AT SOME POINT
4 DURING THE FISCAL YEAR LOOK AT WHERE WOULD BE
5 APPROPRIATE TO ALLOCATE THOSE DOLLARS. LEAVE THEM
6 UNENCUMBERED RIGHT NOW WOULD BE MY SUGGESTION.

7 AND WE HAVE HAVEN'T HAD ANY
8 EXPERIENCE WITH GUINN CONSTRUCTION. WE MAY END
9 UP, YOU KNOW, WANTING TO AUGMENT THE OTHER
10 CONTRACTORS. WE MAY NOT. BUT I THINK THAT
11 PUTTING ALL THE MONEY OUT TODAY DOESN'T LEAVE US
12 ANY OPTIONS THAT, YOU KNOW, WE REALLY DON'T NEED
13 TO. I THINK IT'S JUST MORE OF AN ADMINISTERIAL
14 FUNCTION MORE THAN ANYTHING ELSE. NOBODY IS
15 PICKING FAVORITES OR ANYTHING. I THINK IT WAS
16 JUST A WAY TO GET THE MONEY ENCUMBERED.

17 SO I'D PROPOSE THAT THE GRANITE
18 CONSTRUCTION ALLOCATION BE AMENDED TO \$392,005.
19 THAT WOULD BRING THEM TO \$2.5 MILLION TOTAL IN
20 THEIR CONTRACT; IS THAT RIGHT?

21 MS. ROUCH: YES, IT IS RIGHT.

22 MEMBER RELIS: COULD WE -- I'M HAVING
23 SOME TROUBLING FOLLOWING WHERE YOU ARE, STEVE.

24 MEMBER JONES: PAGE 69, TABLE 3.

25 MEMBER RELIS: TABLE 3.

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1 MS. ROUCH: MAYBE TO MAKE IT CLEARER, THE
2 SUKUT CONTRACT, IF WE PUT \$1,080,000 INTO IT WILL
3 BE AT ITS CAP OF \$2.5 MILLION. AND THAT'S A NOT
4 TO EXCEED LIMIT AS IT'S CURRENTLY WRITTEN.

5 AND BRYAN STIRRAT'S CONTRACT IS
6 FOR -- WRITTEN NOT TO EXCEED \$1 MILLION.

7 WHAT WE HAVE PROPOSED TO DO WAS TO
8 GIVE THEM 750,000 ADDITIONALLY, WHICH WOULD PUT
9 THEM OVER THAT CAP. MR. JONES IS SAYING LET'S
10 GIVE THEM THE 500,000, BUT SAVE THE OTHER 250,000
11 IN A CONTRACTOR FUND, IF YOU WILL, AND THE SAME
12 WITH GRANITE. IF WE GIVE THEM THAT 837,000, IT
13 PUTS THEM \$445,822 OVER THEIR CONTRACT NOT TO
14 EXCEED AMOUNT AT THIS TIME.

15 SO HE'S SAYING LET'S GIVE THEM
16 \$392,005, WHICH BRINGS THEM UP TO 2.5 MILLION AND
17 SET ASIDE THAT OTHER 445,000 WITH THAT 250,000
18 FROM INSTEAD OF BRYAN STIRRAT'S CONTRACT GETTING
19 IT, AND IT WILL PUT IT APPROXIMATELY JUST UNDER
20 \$700,000 THAT WILL BE LEFT TO BE ENCUMBERED LATER
21 IN THE YEAR FOR WHATEVER PURPOSES THE BOARD WOULD
22 LIKE.

23 MEMBER RELIS: YOU'RE LOOKING FOR MORE
24 FLEXIBILITY.

25 MEMBER JONES: LITTLE BIT MORE

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1 FLEXIBILITY. AND I'M NOT -- I DON'T HAVE A
2 PROBLEM WITH ANY OF THESE CONTRACTORS. I MEAN I
3 THINK THEY ALL DO GOOD WORK. I DON'T HAVE ANY
4 PROBLEM WITH ANY OF THEM. I JUST THINK THAT, YOU
5 KNOW, IT GIVES US A LITTLE BIT OF FLEXIBILITY AS
6 FAR AS MOVING THEM. IF THE PROJECTS DON'T COME
7 FORWARD, WE HAVE ANOTHER AGENDA ITEM TO -- BECAUSE
8 WE CAN AUGMENT THESE CONTRACTS BY 30 PERCENT.

9 SO, YOU KNOW, I THINK IT'S MORE OF
10 JUST A FLEXIBILITY ISSUE, GIVE US A LITTLE BIT OF
11 A ROOM.

12 MR. RICE: I THINK WE ARE FINE WITH THE
13 SUGGESTION TO ONLY ALLOCATE AT THIS TIME UP TO THE
14 CAPS OF THE EXISTING CONTRACTS AND THEN TO RETURN
15 TO YOU, ONCE WE HAVE BOTH -- MORE OF A TRACK
16 RECORD WITH THE NEW CONTRACTOR AND A SENSE OF HOW
17 TO ALLOCATE REMAINING DOLLARS.

18 CHAIRMAN FRAZEE: THAT RETENTION, THEN,
19 WOULD BE 695.

20 MS. ROUCH: 695,822. AND THAT WOULD BE
21 SITTING IN AN IMAGINARY POT OF MONEY LIKE THE
22 GRANT AND LOAN --

23 MS. RICE: IT WOULD BE IN THE TRUST FUND
24 UNALLOCATED UNTIL WE RETURN TO YOU TO ALLOCATE THE
25 FUNDS, BUT IT'S FUNDS FOR THE AB 2136 PROGRAM IN

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1 THE CONTRACTS ITEM, AND WE WOULD RETURN TO YOU FOR
2 DIRECTION ON THAT.

3 MEMBER JONES: AND IT CAN STAY IN THIS
4 CONTRACT SITE WITH THE CONTRACTORS AND WITH THE
5 PEOPLE UNLESS WE DEEM TO MOVE IT AT SOME OTHER
6 POINT.

7 MS. RICE: THAT'S CORRECT.

8 MS. ROUCH: AT THE BOARD MEETING I CAN
9 MAKE A NEW TABLE AND I'LL PRESENT IT. IT
WILL BE

10 CLEARER BECAUSE THE BOARD ITEM HAS BEEN
WRITTEN

11 AND IT'S IDENTICAL TO THIS ONE, BUT I'LL
MAKE A

12 NEW TABLE TO PRESENT AT THE BOARD MEETING.

13 MEMBER RELIS: WITH THAT, MR.
CHAIR, IF

14 THERE'S NO FURTHER DISCUSSION, I'D BE HAPPY
TO

15 MOVE, I BELIEVE IT'S, RESOLUTION 97-321 WITH
THE

16 ADJUSTED FIGURES; IS THAT CORRECT?

17 MS. ROUCH: YES.

18 CHAIRMAN FRAZEE: CAN WE JUST MAKE
THOSE

19 ADJUSTMENTS IN THIS RESOLUTION PRESENTLY?

20 MS. ROUCH: I WILL.
21 CHAIRMAN FRAZEE: OR DO YOU WANT TO
DO
22 THAT --
23 MS. RICE: WE CAN HAVE A REVISED
24 RESOLUTION FOR THE BOARD MEETING.
25 CHAIRMAN FRAZEE: BUT JUST FOR

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1 UNDERSTANDING, IN THE BE IT FURTHER RESOLVED
2 CLAUSE, THE BRYAN STIRRAT WILL BE REDUCED TO
3 500,000, THE GRANITE CONSTRUCTION TO 392 --

4 MEMBER JONES: DOUBLE OH FIVE.

5 CHAIRMAN FRAZEE: AND SUKUT CONSTRUCTION
6 WILL REMAIN AT 1,080,000.

7 MS. ROUCH: THEN WE'D PROBABLY NEED
8 ANOTHER ITEM THAT SAYS UNENCUMBERED 695,822 OR
9 UNALLOCATED.

10 MEMBER JONES: 695,822?

11 MS. ROUCH: YES.

12 MEMBER RELIS: SO IT'S 500, 392 --

13 MEMBER JONES: 392,005.

14 MEMBER RELIS: 1,080,000; 695 --

15 CHAIRMAN FRAZEE: 695,822.

16 MEMBER RELIS: THAT IS THE RESOLUTION.

17 CHAIRMAN FRAZEE: OKAY. WE HAVE A
18 MOTION.

19 MEMBER JONES: I SECOND.

20 CHAIRMAN FRAZEE: AND A SECOND ON THE
21 ADOPTION OF RESOLUTION 97-321 FOR THE ALLOCATION
22 OF THE '97-'98 SOLID WASTE DISPOSAL AND
CODISPOSAL

23 SITE CLEANUP PROGRAM FUNDS. IF THE SECRETARY
WILL

24 CALL THE ROLL ON THAT, PLEASE.

25 THE SECRETARY: BOARD MEMBER RELIS.

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1 MEMBER RELIS: AYE.

2 THE SECRETARY: JONES.

3 MEMBER JONES: AYE.

4 THE SECRETARY: CHAIRMAN FRAZEE.

5 CHAIRMAN FRAZEE: AYE.

6 MEMBER JONES: MR. CHAIRMAN, MAY I JUST
7 MAKE A COMMENT? I WANT TO THANK MARGE AND
8 EVERYBODY. WHEN THE ISSUE CAME UP, THEY BROUGHT
9 IT TO MY ATTENTION, AND WE WERE TALKING ABOUT IT.
10 AND, YOU KNOW, WE HAD SOME IDEAS, AND I THINK
11 THAT'S GOOD STUFF WHEN EVERYBODY IS TALKING ABOUT
12 THESE THINGS. SO I APPRECIATE IT, MARGE. I
13 APPRECIATE, YOU KNOW, WHAT WE'RE DOING HERE, AND I
14 THINK IT DOES GIVE US SOME GOOD FLEXIBILITY. SO I
15 JUST WANTED TO MAKE THAT COMMENT ON THE RECORD.

16 MS. ROUCH: THANK YOU.

17 CHAIRMAN FRAZEE: THAT ONE PROBABLY,
18 BECAUSE WE NEED A NEW RESOLUTION, PROBABLY SHOULD
19 NOT GO ON THE CONSENT CALENDAR SO WE CAN ADOPT A
20 CLEAN VERSION OF THE RESOLUTION.

21 NOW, AGENDA ITEM NO. 11 IS
22 CONSIDERATION OF NEW SITES FOR SOLID WASTE
23 DISPOSAL AND CODISPOSAL SITE CLEANUP.

24 MS. RICE: THANK YOU. MARGE ROUCH WILL
25 MAKE THIS PRESENTATION AS WELL.

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1 MS. ROUCH: ITEM 11 IS A REQUEST FOR
2 APPROVAL OF FOUR PROJECTS AS SHOWN ON PAGE 98 OF
3 YOUR PACKET. THE AQUA TERRA PROJECT IS A REQUEST
4 FOR AN LEA GRANT TO REMOVE BOATS THAT WERE
5 ABANDONED OR LOADED WITH GARBAGE AND SUNK IN THE
6 REDWOOD CREEK. MR. DEAN PEDERSON IS HERE, AND
7 AFTER I AM THROUGH, I WOULD LIKE HIM TO COME UP.
8 HE IS GOING TO SHOW YOU SOME FILM FOOTAGE SO YOU
9 CAN GET A FEEL FOR WHAT THIS IS LIKE BECAUSE I DID
10 NOT HAVE ANY PHOTOS.

11 AND THE OTHER THREE PROJECTS ARE
12 BOARD-MANAGED PROJECTS. THE AMADOR BURN DUMP IS A
13 TYPICAL BURN DUMP, AND WE PROPOSE TO CLEAN THE
14 SURFACE TRASH, GRADE THE SITE, AND COVER THE BURN
15 ASH WITH GOOD SOIL, PREFERABLY CLAY.

16 THE MODESTO AIRPORT PROJECT IS AN
17 AREA WHERE PORTIONS OF AN OLD DISPOSAL SITE HAVE
18 BEEN PAVED FOR AIRCRAFT TAXIWAYS AND VEHICLE
19 ACCESS. THE SITE HAS UNDERGONE DIFFERENTIAL
20 SETTLEMENT, MAKING THE AREA UNUSABLE. RAINWATER
21 IS ABLE TO INFILTRATE THROUGH THE ASPHALT INTO THE
22 WASTE AND FLOW OFF SITE INTO THE TUOLOME RIVER.
23 WE'RE PROPOSING TO REMOVE EXISTING ASPHALT,
24 EXCAVATE AREAS OF LARGEST SETTLEMENT, AND
25 REPLACE -- FILL THOSE AREAS WITH SHREDDED TIRES

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1 AND LIGHTWEIGHT CONCRETE. AND MR. JONES HAS ASKED
2 US TO, IF THIS ALL COMES ABOUT, TO KEEP HIM POSTED
3 ON HOW WELL THIS WORKS. AND, YOU KNOW, AND THEN
4 COVER THE AREA WITH NEW PAVEMENT.

5 AND I HAVE MR. JOHN BRUSCA, THE
6 SUPERINTENDENT OF PUBLIC WORKS FOR CITY OF
7 MODESTO, HERE TO SPEAK ON BEHALF OF THE PROJECT.

8 AND FINALLY, THE CAPPELL ROAD
9 ILLEGAL DISPOSAL SITE. THIS IS ANOTHER PROJECT
10 WORKING WITH THE HUMBOLDT LEA AND THE YUOK TRIBE.

11 WE'RE PROPOSING TO REMOVE THE
12 SURFACE TRASH AND PLACE EROSION CONTROL DEVICES
13 AFTERWARDS. THE COUNTY, AND THIS IS IN RESPONSE
14 TO MR. JONES' QUESTION, THE COUNTY HAS OFFERED TO
15 ASSIST THE TRIBE WITH A BARRIER TO DISCOURAGE
16 FURTHER DUMPING. YOU HAD ASKED IF WE COULD PUT A
17 FENCE, AND APPARENTLY A FENCE IS NOT PRACTICAL UP
18 THERE, BUT SOME OTHER BARRIER COULD BE DONE WITH
19 BOULDERS OR SOMETHING.

20 AND ON BEHALF OF THE YUOK TRIBES,
21 MR. SETH MARGEA IS HERE TO SPEAK FOR HIS PROJECT.

22 SO THAT CONCLUDES WHAT I HAVE TO
23 SAY. STAFF RECOMMENDS FUNDING OF THESE SITES. I
24 THINK THESE PEOPLE WOULD LIKE TO DISCUSS THEIR
25 PROJECTS WITH YOU. SO MR. DEAN PEDERSON.

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1 MR. PEDERSON: IF I CAN INDULGE THE
2 BOARD'S TIME, WE ARE GOING TO HAVE A COUPLE OF
3 MINUTES OF VIDEO HERE. AS I SPEAK, DIANE
4 NORDSTROM WILL GET THAT STARTED AND THE SOUND WILL
5 BE DOWN.

6 (VIDEO SHOWN)

7 MR. PEDERSON: THIS IS ONE PROJECT THAT
8 WE'RE -- I'M DEAN PEDERSON WITH SAN MATEO COUNTY
9 LEA. PROBABLY THE PICTURES ON THE VIDEO ARE GOING
10 TO BE A LITTLE BIT BETTER THAN THE BOARDS WE HAVE
11 HERE, A LITTLE MORE DETAIL. THIS IS ONE PROJECT
12 IN MY 12 YEARS OF GOVERNMENT WHERE I'M VERY
13 EXCITED ABOUT IT. WE HAVE GOVERNMENT AGENCIES
14 COMING TOGETHER. THERE IS A COOPERATION AMONGST
15 EVERYBODY. REALLY THE CENTRAL PORTION OF IT WAS
16 THE CITIZENS ADVISORY GROUP, THE AQUA TERRA TASK
17 FORCE, WHICH BEGAN WHEN THEY NOTICED THAT THEIR
18 WATERWAYS WERE BECOMING DEGRADED OVER THE LAST 30
19 OR 40 YEARS.

20 THEY BROUGHT IN THE COUNTY SHERIFFS
21 WHO CONTACTED THE BAY CONSERVATION AND COASTAL
22 COMMISSION WHO GOT REDWOOD CITY INVOLVED, WHO GOT
23 FISH AND GAME, STATE LANDS, REGIONAL WATER BOARDS,
24 STATE WATER BOARD, A NUMBER OF AGENCIES.
25 ONE OF THE PROBLEMS THAT WAS FOUND

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1 IS AS CITIZENS WERE GOING OUT AND WE WOULD
2 ORGANIZE GROUPS TO GO IN AND CLEAN UP PORTIONS OF
3 IT, YOU STILL HAD THE ATTRACTIVE NUISANCE OF BOATS
4 BEING OUT THERE, SO YOU STILL HAD PEOPLE BRINGING
5 IT IN.

6 TO THAT END, A LETTER OF COMMITMENT
7 WAS WRITTEN UP BY REDWOOD CITY AND PASSED OUT TO A
8 NUMBER OF THE AGENCIES REALLY COMMITTING AND
9 REALIZING THAT ONE AGENCY CAN'T COME IN AND MAKE A
10 DIFFERENCE, AND IT HAS TO BE A MULTIAGENCY TASK
11 FORCE GOING IN TO DO IT.

12 WITH ME TODAY I HAVE KIMBERLY KIM
13 FROM BCDC, THE BAY CONSERVATION DEVELOPMENT
14 COMMISSION, AND LOUIS VELLA FROM REDWOOD CITY
15 FIRE, BOTH UP HERE THAT CAN ANSWER ADDITIONAL
16 QUESTIONS FOR IT. AND I'D LIKE TO THANK THE
17 COMMITTEE FOR PRESENTING THIS. I'D LIKE TO ALSO
18 THANK WORKING WITH BOARD STAFF. MARGE AND DIANE
19 AND TODD HAVE ALWAYS BEEN INCREDIBLY WILLING TO
20 COME OUT TO OUR SITES TO TAKE A LOOK AT THEM.

21 WITH THAT, I'D LIKE TO OPEN UP FOR
22 ANY QUESTIONS.

23 MEMBER RELIS: MR. CHAIR, I HAVE A FEW
24 QUESTIONS. ONE, LET ME JUST START WITH THE
25 RELATIONSHIP OF THE PARTIES. THE WASTE BOARD IS

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1 BEING ASKED TO CARRY THE FULL COST OF THIS
2 CLEANUP.

3 MR. PEDERSON: NO, IT'S NOT. THE PORTION
4 THAT WE'RE ASKING FOR WILL BE THE PORTION TO
5 REMOVE THE BOATS. REDWOOD CITY FIRE WILL BE DOING
6 A NUMBER OF SUPPORT. THE COUNTY WILL BE HANDLING
7 HAZARDOUS MATERIALS REMOVAL, ANY SEWAGE REMOVAL
8 AND DISPOSAL. THERE WILL BE SIGNAGE THAT WILL GET
9 PUT UP VIA THE CITY. THE POLICE DEPARTMENT HAS
10 RECENTLY RECEIVED A DONATION OF A BOAT FROM THE
11 COAST GUARD, SO THEY WILL HAVE COMMITMENT FOR
12 FURTHER ENFORCEMENT ONCE THIS IS CLEANED UP.

13 MEMBER RELIS: WELL, JUST SPEAKING TO
14 THE -- WE HAVEN'T SEEN OR I HAVEN'T SEEN A
15 WATERWAY CLEANUP, SO THIS IS NEW. WE HAVE BCDC
16 AND WE HAVE VARIOUS WATER-RELATED AGENCIES
17 INVOLVED. HOW DID WE MAKE THE CONNECTION
BETWEEN

18 A CLEANUP OF A WATERWAY AND THE 2136?

19 MS. RICE: I ASSUME THAT IT WAS SOLID
20 WASTE TO BE CLEANED UP, AND THAT WAS THE
21 CONNECTION THAT STAFF SAW. MARGE, WOULD YOU
WISH
22 TO ELABORATE?

23 MS. ROUCH: WELL, I THINK WHAT THE
24 CONNECTION WE FEEL IS HERE, THAT A LOT OF THESE

25 BOATS HAVE HAD WASTE -- GARBAGE PLACED ON THE

60

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1 BOATS. AND THEN SOME OF THESE BOATS HAVE BEEN
2 SUNK. AND IS THERE A PERCENTAGE? CAN YOU TELL
3 US?

4 MR. PEDERSON: OF THE BOATS THAT WE'LL BE
5 ADDRESSING, 80 PERCENT ARE SUNKEN IN THE MUD. THE
6 MAJORITY OF THE ONES THAT ARE STILL FLOATING, ONCE
7 THEY'RE TAGGED, THE OWNERS ARE REMOVING THEM JUST
8 BECAUSE THEY'RE STILL VIABLE FOR FLOATING.

9 MEMBER RELIS: THERE'S NO JURISDICTIONAL
10 RESPONSIBILITY IF YOU ARE DEALING WITH THE
11 WATERWAYS OF THE STATE OR CORPS OF ENGINEERS? OR
12 I'M JUST CURIOUS.

13 MS. RICE: I WOULD ASSUME BCDC MIGHT BE
14 THE BEST TO ANSWER THAT.

15 MS. KIM: I CAN COME UP AND ANSWER ALL
16 THOSE THINGS. WE HAVE STRUGGLED -- I'M KIMBERLY
17 KIM FROM BCDC, BY THE WAY. WE HAVE STRUGGLED WITH
18 THAT QUESTION FOR ABOUT THREE YEARS FIGURING OUT
19 WHOSE PROBLEM IT WAS AND WHO HAD THE AUTHORITY AND
20 FUNDING TO DO IT.

21 THE BEST ANSWER I CAN GIVE YOU IS
22 MANY OF THE AGENCIES HAD SMALL PORTIONS OF THE
23 AREA WITHIN THE JURISDICTIONS, BUT NONE OF THEM
24 HAD JURISDICTION OVER ALL OF THE AREAS. AND WITH
25 RESPECT TO FUNDING, THEY DIDN'T HAVE ANY SOURCE OF

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1 FUNDING FOR THIS.

2 SO FAR, I WANTED TO ADD ALSO THAT
3 THE GROUP HAS CONTRIBUTED SIGNIFICANTLY IN THAT 23
4 BOATS HAVE BEEN REMOVED VIA SETTLEMENT WITH BCDC
5 INVOLVING ANOTHER PARTY WHO DUMPED ILLEGALLY IN
6 THE SAN FRANCISCO BAY. THEY HAVE REMOVED 23 BOATS
7 FROM THIS LOCATION. THEY HAVE FALLEN OFF THE
8 PICTURE BECAUSE THE FOUNDING PRINCIPAL PASSED AWAY
9 DURING THIS PROCESS, SO WE DIDN'T SEE FIT TO
10 PURSUE AN ACTION THROUGH BANKRUPTCY COURT.

11 MEMBER RELIS: SO FOR COST RECOVERY.

12 MS. KIM: FOR THEM TO COMPLETE THIS
13 PROJECT, WHICH WAS A PROJECT THEY'VE UNDERTAKEN AS
14 A MITIGATION FOR THEIR VIOLATION. SO WE HAVE
15 ABOUT 50 OR SO BOATS STILL OUT THERE, AND THIS
16 ACTION REMAINS AND NO FUNDING.

17 MEMBER RELIS: JUST TO FOLLOW ON THAT,
18 I'M LOOKING FOR THE NEXUS WITH THE PUBLIC HEALTH
19 CONSIDERATION. COULD YOU ELABORATE ON WHY THIS
20 CLEANUP IS CRITICAL FROM A PUBLIC HEALTH
21 STANDPOINT?

22 MR. PEDERSON: CERTAINLY. WE'VE BEEN

--

23 THROUGH ENVIRONMENTAL HEALTH, WE'VE BEEN OUT
24 TESTING THE WATERS OUT THERE. ONE OF THE AREAS

IS
25 LOVINGLY CALLED POOP LAGOON JUST FOR THE FACT
THAT

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1 THE FECAL COLIFORM IS SO HIGH. THE MAJORITY OF
2 THAT IS FROM PEOPLE THAT ARE LIVING UPON THESE
3 BOATS. THE GARBAGE THAT IS OUT THERE, IT'S A
4 GREAT WAY TO DISPOSE OF BECAUSE THERE'S NO SEWAGE
5 HOOKUPS, LEGAL SEWAGE HOOKUPS IN THE AREA BECAUSE
6 THEY'RE JUST FLOATING OUT THERE. SO QUITE A BIT
7 OF THIS, ONCE IT'S TAKEN CARE OF, WILL TAKE CARE
8 OF THE HIGH FECAL COLIFORM.

9 MEMBER RELIS: SO PEOPLE LIVING ON SOME
10 OF THESE ABANDONED BOATS IS THE MAJOR PUBLIC
11 HEALTH PROBLEM THERE.

12 MS. PEDERSON: THAT AND JUST THE FLOATING
13 DEBRIS. THE WATERWAYS IN THE AREA, BOATERS NOW
14 DON'T HAVE COMPLETE ACCESS THROUGH, SO WE HAVE
15 POSSIBILITY OF PUBLIC SAFETY ALSO AND PUBLIC
16 HEALTH.

17 MEMBER RELIS: AND FINALLY, THE COST. WE
18 JUST HAD A PRESENTATION WHERE WE UNDERTOOK AN
19 \$800,000 MAJOR FIRE CHOPPERENA CLEANUP, AND HERE
20 WE'RE LOOKING AT 400,000 TO CLEAN UP A NUMBER OF
21 BOATS.

22 IS THE MAJOR COST THE RESULT OF
23 CRANES AND BRINGING IN THE KIND OF EQUIPMENT THAT
24 YOU HAVE TO DO TO PULL OUT THESE BOATS?

25 MR. PEDERSON: ONE OF THE MAJOR COSTS IS

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1 THE AREA IS SURROUNDED BY WETLANDS AND THERE'S NO
2 LAND ACCESS, SO ALL ACCESS TO BOATS HAVE TO BE VIA
3 THE WATER. AND THE EQUIPMENT IS VERY SPECIALIZED.
4 THE BUSINESSES THAT PERFORM THIS TYPE ARE VERY
5 SPECIALIZED, SO THAT'S THE MAIN EXPENSE. THERE
6 WILL ALSO BE A LOT OF UNDERWATER WORK.

7 MEMBER RELIS: YOU ANSWERED MY QUESTIONS.
8 THANK YOU.

9 CHAIRMAN FRAZEE: OKAY. WANT TO GO AHEAD
10 WITH YOUR PRESENTATION OR DID IT HAPPEN WHILE WE
11 WERE TALKING?

12 MR. PEDERSON: YOU PRETTY MUCH SAW IT.
13 AGAIN, REDWOOD CITY HAS REENACTED A TARIFF. WE
14 HAVE A COMMITMENT FROM -- CITIZENS COMMITMENT FROM
15 CITY AGENCIES, LOCAL AGENCIES, FOR FURTHER
16 ENFORCEMENT SO THAT THIS DOES NOT OCCUR AGAIN.

17 THERE'S A SIMILAR SMALLER CLEANUP IN
18 EL VISO, WHICH RECENTLY TOOK EFFECT. AND WE ALSO
19 HAVE A NUMBER OF INDUSTRIES OUT THERE DONATING
20 LANDS FOR BOATING, WE HAVE PEOPLE DONATING DUMP
21 TRUCKS. WE'RE HOPING WE'LL BE ABLE TO GET PUBLIC
22 WORKS TO DONATE DUMPSTERS. SO WE'LL BE WORKING ON
23 A LOT OF OTHER DONATIONS TO BRING THE COSTS DOWN.

24 MEMBER JONES: ARE YOU GOING TO SHARE
25 YOUR OPERATING PLAN WITH MARGE WHEN IT COMES --

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1 WHEN YOU COME TIME TO START THIS CLEANUP?

2 MR. PEDERSON: ABSOLUTELY, YEAH. WE'VE
3 SUBMITTED A SCOPE OF WORK CURRENTLY. LAST WEEK I
4 FINISHED THE BID PACKAGE. MY HANDS ARE STILL NUMB
5 FROM TYPING. AND THAT WILL BE SENT UP TO MARGE.

6 MEMBER JONES: I NOTICED ONE OF THE
7 THINGS WAS THAT THE MATERIAL THAT GETS PULLED OUT,
8 I GUESS WE COULD CALL THIS JUST, YOU KNOW, ONE OF
9 THE LAST BAY FILLS, BUT THE MATERIAL IS GOING TO
10 BE PUT INTO DEBRIS BOXES AND HAULED OUT AND
11 CHARGED PER YARD AT OX MOUNTAIN. ARE YOU GUYS
12 LOOKING AT FIGURING OUT A WAY TO COMPACT THIS
13 STUFF AND BREAK IT UP AND RECYCLE WHAT YOU CAN?

14 MR. PEDERSON: ABSOLUTELY. IN FACT, THE
15 UPLAND FACILITY WHERE EVERYTHING WILL BE MOVED
16 (PHONETIC) AND DEMOVED (PHONETIC) IS A METAL
17 RECYCLER, AND WE'VE WORKED OUT, SINCE THEY'RE
18 DONATING THEIR TIME, THEY WILL BE TAKING
19 ANYTHING

20 THAT'S VIABLE FOR RECYCLING. UNFORTUNATELY, A
21 LOT

22 OF THIS MATERIAL BEING IN THE WATER, THE WOOD IS
23 GOING TO BE UNRECYCLABLE. THE PLASTICS ARE
24 PRETTY

25 MUCH FORGET IT. BUT MOST OF THE METALS SHOULD
26 BE

23 PRETTY DECENT. I BELIEVE WE'RE ANTICIPATING
24 APPROXIMATELY 500 CUBIC YARDS THAT WILL HAVE TO
BE
25 HAULED OFF TO OX MOUNTAIN, THE LOCAL LANDFILL,
BUT

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1 QUITE A BIT OF THE METAL WILL BE RECYCLED.

2 MEMBER JONES: OKAY. THANKS.

3 CHAIRMAN FRAZEE: OKAY. THANK YOU.

4 MS. ROUCH: MAYBE FOR MR. JONES'

5 INFORMATION BECAUSE -- THIS MAY BE THE FIRST LEA

6 GRANT SINCE YOU'VE BEEN WITH THE BOARD. WHEN

THEY

7 PROPOSE A PROJECT, THEIR WORK PLAN HAS TO BE

8 APPROVED BY US BEFORE THE PROJECT CAN START.

AND

9 THEN ONCE THEY START THE PROJECT, THE INVOICES

10 HAVE TO MEET WHAT'S IN THE WORK PLAN. AND WE

11 APPROVE THEM AS THE WORK IS -- GOES ON. SO IT'S

12 NOT LIKE WE GIVE THEM A CHECK FOR \$400,000.

13 MR. JOHN BRUSCA, SUPERINTENDENT OF

14 PUBLIC WORKS FOR THE CITY OF MODESTO IS HERE TO

15 SPEAK ABOUT THE MODESTO AIRPORT.

16 MR. BRUSCA: MORNING, MR. FRAZEE AND

17 BOARD MEMBERS. THANK YOU, MARGE. CITY OF

MODESTO

18 AIRPORT HAS A LANDFILL THAT WAS HISTORICALLY

19 PLACED THERE OVER A NUMBER OF YEARS. AND THEY

HAD

20 PAVED OVER A SECTION OF IT TO PUT A NEW ENTRYWAY

21 INTO THE AIRPORT. AND THIS AREA, YOU CAN SEE

22 DURING OUR RECENT 170-YEAR FLOOD, JUST ADJACENT

TO

23 THE HANGARS IN BASICALLY THE CENTER IS WHERE THE

24 LANDFILL AREA IS. AND SOME OF THE -- AGAIN,

THIS

25 BEING A 170-YEAR EVENT, 1914 WE HAD A HUNDRED-
YEAR

20 OF DAMAGE WITHIN THE CITY THIS YEAR. THE
AIRPORT
21 IS AN ENTERPRISE FUND THAT IS IN THE MINUS EVERY
22 YEAR. THE CITY HAS TO SUPPORT IT IN ORDER TO
23 MAINTAIN ITS OPERATION. AND THAT'S WHY WE CAME
TO
24 MARGE AND JEFF CORNETTE FOR SOME HELP IN THIS
25 SITUATION.

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1 CHAIRMAN FRAZEE: THE ONE CONCERN I
HAVE
2 WITH A REPAIR PROJECT OF THIS TYPE IS IT'S FEAR
OF
3 A TEMPORARY NATURE.

4 MR. BRUSCA: I THINK THE NO. 1 PROBLEM
IS
5 THAT HEAVY PAVEMENT THAT WAS PLACED ON TOP OF
IT.

6 I THINK THE -- IN THAT -- THIS WILL NOW BE SET
7 ASIDE NOT TO BE USED FOR THE ATTEMPT THAT IT WAS
8 MADE 15 YEARS AGO WHEN IT WAS COVERED. I THINK
IT

9 WAS ILL CONCEIVED BY THE PUBLIC WORKS DIRECTOR
15
10 YEARS AGO WHEN HE PUT THE PAVEMENT ON TOP OF
THIS
11 LANDFILL.

12 SO BASICALLY THE GUARANTEE FROM
THE
13 CITY IS THAT WE'RE NOT GOING TO COME IN AND PAVE
14 THIS AREA AND TRY TO USE THIS LAND. IT'S A
BUFFER

15 ZONE BETWEEN A PARK AND THE RIVER, AND IT SHOULD
16 REMAIN ENTOMBED AS OPPOSED TO LOADING IT WITH
THIS

17 PAVEMENT.

18 CHAIRMAN FRAZEE: I SEE. SO IT'S NOT
19 GOING TO BE REPAVED AND CONTINUE.

20 MR. BRUSCA: ABSOLUTELY NOT.

21 CHAIRMAN FRAZEE: THAT WAS A CONCERN
22 BECAUSE THERE'S A COUPLE OF EXAMPLES OF PAVING
23 HIGHWAY 52 IN SAN DIEGO WHICH HAS TO BE
24 PERIODICALLY REPAVED TO BRING IT UP.

25 MR. BRUSCA: AGAIN, THE ONLY SECTION
THAT

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1 IS GOING TO BE REPAVED IS AN ACTUAL SECTION THAT
2 IS NOT ON THE LANDFILL, BUT HAS BEEN PULLED INTO
3 THE LANDFILL BY NATURE OF BEING CONNECTED. AND
4 THAT IS WHERE WE WANT TO USE THE LIGHTWEIGHT
5 CONCRETE WITH THE RUBBER CRUMBS IN ORDER TO CREATE
6 A BARRIER BETWEEN THE LANDFILL AND THE USABLE
7 PAVEMENT SO THAT WE HAVE A TAXIWAY NEXT TO A
8 HANGAR WHICH IS NOT ON THE LANDFILL, WHICH IS
9 BEING SEPARATED AND PULLED INTO THIS INCREDIBLE --
10 IT'S JUST AN AMAZING FAILURE AS TO 10 FEET
11 ELEVATIONS BEING CHANGED BECAUSE OF THIS HEAVY
12 PAVEMENT.

13 CHAIRMAN FRAZEE: WE HAD PICTURES OF THAT
14 AT OUR BRIEFING. SO THAT WILL GET AN IMPERVIOUS
15 CAP.

16 MR. BRUSCA: EXACTLY. AND VEGETATION
17 WILL NOT BE USED WITHOUT ANY LOAD ON IT.

18 CHAIRMAN FRAZEE: I UNDERSTOOD THAT IT
19 WAS JUST GOING TO BE REPAVED BACK OVER.

20 MR. BRUSCA: NO, ABSOLUTELY NOT. THAT
21 AREA IS JUST GOING TO BE CLAY AND VEGETATION. AND
22 AGAIN, THE SEPARATION IS THE BARRIER.

23 CHAIRMAN FRAZEE: OKAY. ANY QUESTIONS?

24 MEMBER JONES: AND WE'RE LOOKING AT
25 FILLING THAT AREA WITH LIGHTWEIGHT TIRE CHIPS,

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1 RIGHT?

2 MR. BRUSCA: WELL, IT'S A LIGHTWEIGHT --

3 MR. CORNETTE: THE SECTION THAT WE WILL
4 BE --

5 MS. TOBIAS: JEFF, COULD COME FORWARD,
6 PLEASE, AT THE MICROPHONE. THANKS.

7 MR. CORNETTE: MY NAME IS JEFF CORNETTE.
8 I'M WITH THE 2136 PROGRAM. THERE WILL BE A SMALL
9 SECTION THAT WE WILL BE REPAVING BECAUSE OF THE
10 PROBLEMS THAT JOHN WAS TALKING ABOUT. WHAT WE'RE
11 PROPOSING TO DO IS TO EXCAVATE ABOUT 4 TO 6 FEET
12 IN DEPTH IN THERE, PUT IN A SLURRY CEMENT AND
13 SHREDDED TIRE COMPONENT THAT WILL ACT AS A
14 LIGHTWEIGHT MATERIAL SO WE WON'T GET THE CONTINUED
15 SETTLEMENT FROM THE HEAVIER PAVEMENT SECTION AS
16 WELL AS PROVIDE A BARRIER FROM ADDITIONAL WATER
17 GETTING IN THE AREA AND PULLING THAT IN. BUT THE
18 PAVEMENT, THE ACCESS ROAD PAVEMENT THAT WE WILL BE
19 TAKING OUT, THAT WILL JUST BE COVERED, REGRADED,
20 AND COVERED WITH A CLAY CAP.

21 MEMBER RELIS: WELL, I HAD SOME OF THE
22 SAME CONFUSION, MR. CHAIR, THAT YOU DID
OVER WHAT

23 THE FINAL DISPOSITION HERE WAS. I GUESS MY
ONLY

24 OTHER COMMENT WOULD BE YOU'VE HAD THREE 50-
YEAR
25 EVENTS IN, LIKE, A DECADE? I ALWAYS WONDER
ABOUT

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1 THAT TERMINOLOGY. WHEN DO 50-YEAR EVENTS
2 BECOME --

3 MR. BRUSCA: ACTUALLY THE CORPS OF
4 ENGINEERS IS RELEASING A STUDY RIGHT NOW TO
5 REINVESTIGATE THE VALIDITY OF THEIR PRESENT
6 TIMING. WE'VE HAD -- IN NORTHERN CALIFORNIA AND
7 SOUTHERN CALIFORNIA SINCE 1955, WE'VE HAD NINE
8 50-YEAR EVENTS AND THEN THIS THING.

9 MEMBER RELIS: I'M NOT A BIG FAN OF
10 BUILDING IN FLOOD PLAINS.

11 MR. BRUSCA: AGAIN, THERE IS NO -- YOU
12 CAN SEE THERE IS NO CONSTRUCTION ACTUALLY IN THE
13 FLOOD PLAIN. WHAT HAS HAPPENED IS THE ELEVATION
14 OF THE RIVER IS AT 72 FEET AND THE ELEVATION OF
15 THE PAVEMENT IS AT 78 OR 79 FEET. THE PROBLEM IS
16 IS THE ARTESIANING EFFECT FOR THE GROUNDWATER
FROM

17 THE RIVER GOING INTO THE LANDFILL, COMPRESSING
IT,

18 AND LOADING OF THAT HEAVY PAVEMENT THAT SOMEONE
19 ILL CONCEIVEDLY PLACED 7 INCHES OF ASPHALT, 9
20 INCHES OF BASE ON TOP OF A LANDFILL IS THE ERROR
21 THAT WE'RE LIVING WITH RIGHT NOW.

22 AND AGAIN, GUARANTEED THAT THIS
ROAD

23 ACCESS HASN'T BEEN USED IN TEN YEARS EVER SINCE
IT
24 FIRST FAILED, AND EACH SUBSEQUENT STORM HAS MADE
25 IT WORSE. THIS LAST EVENT HAS MADE IT JUST AN

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1 AMAZING PICTURE BOOK FOR THE COVER OF THE PUBLIC
2 WORKS MAGAZINE OF THE WORST ROAD IN THE WORLD.

3 MEMBER JONES: THE GROUNDWATER RISING,
4 DID YOU GUYS HAVE ANY PROBLEM WITH ANY
5 CONTAMINATION OR ANYTHING OR DID YOU DO ANY
6 TESTING?

7 MR. BRUSCA: NO. WE HAVE A NUMBER OF
8 LANDFILLS IN THAT SAME AREA THAT ACTUALLY WERE
9 UNDERWATER. AND THE NEXT DOWNSTREAM AND CARBON
10 ROAD BELOW THE -- OUR SEWAGE TREATMENT PLANT IN
11 THE CITY, THERE'S A NUMBER OF LANDFILLS IN THOSE
12 LOCATIONS, AND THOSE WERE REEVALUATED AND TESTED
13 AS TO BEING KEPT OPEN.

14 IN FACT, ONE OF MY PROJECTS WITH
15 FEMA WAS TO RECONSTRUCT THE PERIMETER ROAD, ACCESS
16 ROAD, FOR THE MAINTENANCE OF THAT AREA. AND THE
17 ONLY ACTUAL DAMAGE AND REMOVAL WAS THE ACTUAL
18 ELEVATED ROAD WHICH I HAD TO REPLACE, SO IT DIDN'T
19 BREAK INTO ANY OF THE EXISTING LANDFILLS.

20 AGAIN, THE PRIMARY THING WE HAD
21 THROUGHOUT THE CITY IS THE CITY HAS NEVER HAD
22 GROUNDWATER THIS HIGH. OUR CITY SITS ON 88 FEET
23 OF ELEVATION. THE RIVER AT THE HIGHEST FLOOD
24 STAGE IN 1914 WAS AT 71 FEET. THIS ONE WAS
25 APPROACHING 73 FEET. SO WE HAD WATER
ARTESIANING

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1 UP NEXT TO ALL OF YOUR BRIDGES, WHICH CAUSED FOR
2 THE NATIVE SOIL TO COMPRESS AND COMPACT NEXT TO
3 THE BRIDGE ABUTMENTS AND THE SKIP LOADING
4 DEPRESSED THAT AREA SO THAT I HAD TO RUN AROUND TO
5 ALL THE BRIDGES, INCLUDING THE CALTRANS BRIDGES,
6 AND I HAD TO PUT IN 2 AND 3 INCHES OF PAVEMENT
7 BECAUSE OF THIS COMPRESSION THAT WAS TAKING PLACE
8 BECAUSE OF COMPACTION AND, OF COURSE, THE LOADING
9 FROM HEAVY TRUCKS.

10 SO THIS PROBLEM WAS THROUGHOUT THE
11 CITY, BUT IT WAS ESPECIALLY RIGHT THERE AT THAT
12 ONE LOCATION.

13 CHAIRMAN FRAZEE: OKAY. THANK YOU.

14 MS. ROUGH: AND WE HAVE MR. SETH MARGEA
15 FROM THE YUOK TRIBE TO SPEAK ON BEHALF OF THE
16 CAPPELL ROAD PROJECT.

17 MR. MARGEA: MR. CHAIRMAN, MEMBERS OF THE
18 COMMITTEE, I'M HERE TO SPEAK IN SUPPORT OF THE
19 PROJECT PROPOSAL TO CLEAN UP THE ILLEGAL DUMP AT
20 CAPPELL ON THE YUOK RESERVATION. I DID BRING A
21 COLOR MAP WITH ME AND I HAVE OTHER COPIES FOR THE
22 COMMITTEE.

23 AND IF YOU SQUINT REALLY HARD, YOU
24 CAN SEE A LITTLE BLACK STAR ON THAT MAP ON THE
25 SCREEN, AND THAT IS THE LOCATION OF WHAT TURNED

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1 OUT TO BE THE LARGEST ILLEGAL DUMP ON THE YUOK
2 RESERVATION. WE HAD SOME EXPERIENCE WITH TODD AND
3 WITH THE BOARD IN CLEANING UP THE ILLEGAL DUMP AT
4 WEITCHPEC. THAT ONE WAS MUCH MORE OBVIOUS, MUCH
5 MORE ODIUS. IT WAS RIGHT ON THE STATE HIGHWAY.
6 IN THE PROCESS OF THE CLEANUP, I'M SURE TODD HAS
7 REGALED YOU WITH SOME OF THE DIFFICULTIES HE WENT
8 THROUGH WITH THE COMMUNITY DYNAMICS.

9 CALTRANS LOST WHAT THEY THOUGHT WAS
10 60 FEET OF HIGHWAY RIGHT-OF-WAY, AND IT TURNED OUT
11 TO BE COMPRESSED ASH AND GARBAGE. SO IT CHANGED
12 THAT COMMUNITY FOR THE BETTER FOREVERMORE.

13 THE ILLEGAL DUMP AT CAPPELL SINCE
14 THE CLOSURE OF WEITCHPEC AND THE OPENING OF THE
15 CONTAINER SITE HAS PICKED UP IN USE. AND WE ARE
16 PUTTING SOME MORE STRINGENT ENFORCEMENT
17 REGULATIONS AND PERSONNEL ON THE GROUND IN ORDER
18 TO DEAL WITH IT. BUT IT IS ROUGHLY, TODD, TWICE
19 THE SIZE OF THE PREVIOUS CLEANUP.

20 IT IS OUT OF SIGHT, ALTHOUGH THE
21 LOCATION IS OVER ONE OF THE MOST GORGEOUS
22 REMAINING WILD RIVER CANYONS IN CALIFORNIA. IT'S
23 A SITE THAT WE SEE AS A PRIORITY FOR THE TRIBE
24 CERTAINLY AND NEEDS TO BE CLEANED UP TO DISCOURAGE
25 THAT PATTERN.

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1 I MIGHT ADD THAT THIS IS NOT JUST A
2 LOCAL COMMUNITY DUMP. IT ATTRACTS ILLEGALLY
3 DUMPED REFUSE FROM THE ENTIRE REGION. PEOPLE THAT
4 DON'T WANT TO USE THE COUNTY CONTAINER SITES AND
5 KNOW WHERE THIS DUMP IS WILL COME AND THEY WILL
6 USE IT. ALTHOUGH THAT'S NOT TO SAY THAT WE DON'T
7 HAVE OUR OWN ENDEMIC PROBLEMS WITH ILLEGAL DUMPING
8 ON THE RESERVATION.

9 WE SEE THIS AS ONE OF THOSE THINGS
10 THAT THE NEW TRIBAL COUNCIL WILL HAVE TO ADDRESS
11 AND DEAL WITH IN COMING BACK AS A NEW RELATIVELY
12 NEW TRIBAL GOVERNMENT, TAKING CONTROL OF THE
13 RESERVATION, TRYING TO TAKE CARE OF THE HEALTH AND
14 ANY POTENTIAL HAZARD TO THE COMMUNITIES AT LARGE
15 ON THE RESERVATION. AND IT'S A GORGEOUS PLACE.
16 THIS THING JUST DOES NOT BELONG THERE. EVEN
17 THOUGH IT IS OUT OF SIGHT, IT HAS THE POTENTIAL TO
18 AFFECT THE ENTIRE SURROUNDING AREA.

19 I'M AFRAID THAT'S ALL I HAVE FOR
20 YOU. WE WILL PUT TOGETHER AS STRONG A COALITION
21 AS WE CAN OF THE TRIBE, THE COUNTY. WE WILL SEEK
22 OTHER FUNDING AS WELL FOR SOME OF THE ADDITIONAL
23 COMMUNITY EDUCATION AND ENFORCEMENT EFFORTS. AND
24 HOPEFULLY WE CAN EVEN FIND SOME MONEY TO ASSIST
25 WITH THE CLEANUP, BUT WE WOULD APPRECIATE YOUR

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1 FAVORABLE CONSIDERATION OF THAT PROPOSAL.

2 CHAIRMAN FRAZEE: OKAY. THIS IS A
3 CONTRACTOR --

4 MS. ROUGH: WE WOULD DO THIS CLEANUP WITH
5 OUR BOARD CONTRACTORS. I WANT TO ADD THAT THIS IS
6 NOT ALL THAT FAR FROM WEITCHPEC -- MAYBE IT IS IN
7 TERMS OF GETTING THERE, BUT THE DISPOSAL SITE OR
8 THE TRANSFER STATION THAT WAS INSTALLED WHEN WE
9 DID THE WEITCHPEC SITE CAN SERVE THIS PROJECT
10 ALSO. IT'S NOT AS CLOSE AS WEITCHPEC IS TO THE
11 TRANSFER STATION, BUT SO THAT'S KIND OF TYING THE
12 TWO PROJECTS TOGETHER, I GUESS.

13 CHAIRMAN FRAZEE: OKAY. GOOD. THANK
14 YOU. QUESTIONS? THAT COMPLETES OUR PRESENTATIONS
15 ON RECOMMENDED SITES.

16 MEMBER RELIS: MR. CHAIR, I'LL MOVE
17 APPROVAL OF RESOLUTION 97-322 REGARDING
THESE
18 CLEANUPS.

19 MEMBER JONES: I'LL SECOND.

20 CHAIRMAN FRAZEE: WE HAVE A
MOTION AND

21 SECOND ON THE ADOPTION OF RESOLUTION 97-
322. IF

22 THE SECRETARY WILL CALL THE ROLL, PLEASE.

23 THE SECRETARY: BOARD MEMBER

RELIS.

24

MEMBER RELIS: AYE.

25

THE SECRETARY: JONES.

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1 MEMBER JONES: AYE.

2 THE SECRETARY: CHAIRMAN FRAZEE.

3 CHAIRMAN FRAZEE: AYE. MOTION IS
4 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND
5 THAT ONE FOR CONSENT. OKAY. THANK YOU.

6 NOW WE ARE READY FOR ITEM 12. THIS
7 IS THE CONSIDERATION OF THE ADOPTION OF A NEGATIVE
8 DECLARATION AND PROPOSED REGULATIONS FOR
9 ALTERNATIVE DAILY COVER.

10 MS. RICE: THANK YOU, MR. CHAIRMAN.
11 SCOTT WALKER AND ELLIOT BLOCK WILL PRESENT THE
12 ITEM.

13 MR. WALKER: THE PURPOSE OF THIS ITEM IS
14 TO BRING FORWARD CONSIDERATION OF THE ADOPTION OF
15 THE PROPOSED NEGATIVE DECLARATION AND THE
16 REGULATIONS FOR ALTERNATIVE DAILY COVER. IN JUNE
17 THE COMMITTEE DIRECTED STAFF TO ISSUE A 15-DAY
18 COMMENT PERIOD FOR REVISIONS TO THE PROPOSED
19 REGULATIONS. THE 15-DAY COMMENT PERIOD ENDED
20 YESTERDAY. AND A COPY OF THE SUMMARY OF THE
21 COMMENTS RECEIVED AND STAFF RESPONSE ARE AVAILABLE
22 UP NEAR THE SIGN-OUT SHEET UP IN THE FRONT OF THE
23 ROOM.

24 WE RECEIVED FOUR WRITTEN COMMENTS.
25 AND TO SUMMARIZE, WE RECEIVED ONE LETTER WHICH WAS

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1 SUPPORTIVE OF ALL THE CHANGES THAT WE HAD
2 PROPOSED. ANOTHER LETTER BROUGHT UP --
3 RECOMMENDED THAT WE CONSIDER A MORE PROSCRIPTIVE
4 FLAMMABILITY CRITERIA FOR THE FIRE CONTROL PORTION
5 OF ALTERNATIVE DAILY COVER. IN PARTICULAR, THEY
6 RECOMMENDED WE USE ASTM METHOD 1354.

7 WHAT WE FOUND IS IN THE DEMONSTRA-
8 TION PROJECTS CONDUCTED, WE'VE NOT FOUND THAT A
9 PROSCRIPTIVE STANDARD FOR FLAMMABILITY WAS
10 NECESSARY TO CONTROL FIRES. AND WE DON'T HAVE A
11 TECHNICAL BASIS TO ESTABLISH AS A STATE MINIMUM
12 STANDARD THE USE OF THAT METHOD AS A PROSCRIPTIVE
13 STANDARD FOR FLAMMABILITY. THAT METHOD COULD
14 STILL BE USED TO COMPARE RELATIVE FLAMMABILITY
15 MATERIALS, BUT NOT REQUIRED AS PER A STATE MINIMUM
16 STANDARD.

17 THE OTHER TWO LETTERS THAT WE
18 RECEIVED WERE GENERALLY A SIMILAR SET OF COMMENTS.
19 THEY WERE CRITICAL OF THE REGULATIONS. THEY WERE
20 CONCERNED ABOUT PRIMARILY DUST AND AIRBORNE
21 HAZARDS THAT MIGHT RESULT FROM ALTERNATIVE DAILY
22 COVER MATERIALS BEING USED.

23 NOW, SOME OF THESE COMMENTS WERE
24 BEYOND THE SCOPE OF THE 15-DAY COMMENT PERIOD.
25 HOWEVER, WE STILL PROVIDED SOME RESPONSE TO THESE

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1 COMMENTS. AND IN GENERAL, THE USE OF THE ADC
2 MATERIALS THROUGH THE DEMONSTRATION PROJECTS HAVE
3 BEEN SUCCESSFUL, AND WE ARE NOT -- WE DON'T HAVE A
4 RECORD OF PROBLEMS WITH THE DUST HAZARD AND
5 AIRBORNE HAZARDS.

6 ALSO IN OUR COORDINATION WITH THE
7 AIR DISTRICTS, WE FOUND THAT TO BE THE CASE. AND
8 FURTHERMORE, THE STANDARDS THAT WE HAVE PROPOSED
9 HERE WOULD HELP PREVENT SUCH PROBLEMS SHOULD THEY
10 ARISE. SO WE DON'T -- STAFF DOES NOT AGREE THAT
11 THERE NECESSITATES ANY CHANGES IN THAT REGARD.

12 A COUPLE OF THE OTHER ISSUES THAT
13 THEY HAD BROUGHT UP --

14 MEMBER RELIS: COULD WE JUST STOP THERE.
15 I HAVE A QUESTION ON THE DUST PART. SO IN SOME OF
16 THE COMMUNICATIONS, THE ISSUE WAS THAT USE OF
17 CERTAIN ALTERNATIVE DAILY COVER MATERIALS COULD
18 PRESENT AN ADDITIONAL DUST PROBLEM. IS THAT WHAT
19 THE REASONING WAS?

20 MR. WALKER: THE COMMENTS WERE BASICALLY
21 THAT THEY WERE CONCERNED THAT IF WE USED WASTE
22 MATERIALS AS COVER, THEN THOSE WASTE MATERIALS,
23 THE MATERIAL WOULD BLOW AROUND AND WOULD BECOME IN
24 CONTACT WITH THE PUBLIC AND CAUSE HEALTH PROBLEMS.

25 MEMBER RELIS: BECAUSE OF THE MATERIAL OR

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1 BECAUSE OF JUST DUST IN GENERAL?

2 MR. WALKER: IT'S PRIMARILY JUST DUST
3 SPECIFICALLY THOUGH FROM THESE TYPES OF MATERIALS.

4 MEMBER RELIS: SO THAT CLEARLY WOULD BE
5 AN AIRBORNE CONCERN. AND THEY'VE REVIEWED --
6 WE'VE BEEN IN TOUCH WITH THEM OVER THIS?

7 MR. WALKER: RIGHT. IN PARTICULAR,
8 CONTAMINATED SOILS, IT'S EXPLICIT IN OUR STANDARDS
9 THAT THEY MEET LOCAL AIR DISTRICT REQUIREMENTS.
10 AND FOR A LANDFILL IN GENERAL, INCLUDING DAILY
11 COVER, THE AIR DISTRICTS HAVE JURISDICTION OVER
12 DUST AND ENFORCE THEIR REQUIREMENTS FOR DUST. WE
13 ALSO CONTROL -- HAVE REQUIREMENTS THAT WOULD
14 CONTROL THE FORMATION OF DUST TOO IN OUR
15 STANDARDS, BUT THEY'RE FOR PUBLIC HEALTH AND
16 SAFETY, NOT FOR STRICTLY THE AIR EMISSIONS.

17 MEMBER RELIS: I RAISE THIS JUST BECAUSE
18 I'VE READ SOME ARTICLES OF LATE THAT MAKE ME, I
19 GUESS, MORE AWARE OF THE FINE DUST FACTOR AS A
20 POTENTIAL CONCERN FOR RESPIRATORY DISEASE. AND IT
21 SEEMS LIKE THEY'VE -- SCIENTISTS HAVE GONE FURTHER
22 TO DOCUMENT THE CORRELATION HEALTH PROBLEM. SO I
23 THINK IT IS SOMETHING, AS I'VE TRIED TO BRING UP
24 IN OUR MATERIAL RECOVERY FACILITIES, WE HAVE TO
25 PAY A LOT OF ATTENTION TO THIS DUST ISSUE.

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1 MR. WALKER: IN ADDITION, ONE OF THE
2 USE -- EVEN THOUGH WE'VE HAD SUCCESSFUL USE OF
3 THESE MATERIALS IN DEMONSTRATION PROJECTS, THE
4 STANDARDS STILL REQUIRE SHOULD THERE BE A PROBLEM
5 WITH PUBLIC HEALTH AND SAFETY OR A CONDITION
6 HAZARDOUS TO THE PUBLIC WHERE IT'S IMPRACTICAL TO
7 PLACE THE MATERIAL, THE OPERATOR MUST REVERT TO
8 SOIL. AND THAT'S EXPLICIT ENFORCEABLE STANDARD
9 THAT WOULD BE IN THESE REGULATIONS.

10 SOME OF THE OTHER ISSUES
11 CONCERNED -- THEY WERE -- THESE TWO COMMENTERS,
12 ONE OF WHICH WAS CONCERNED A BIT WITH THE CHANGES
13 WE MADE IN OUR STORAGE AND HANDLING OF
14 WASTE-DERIVED ADC. THEY POINTED OUT THAT THEY
15 FELT THAT WHAT WE STRUCK OUT WAS PROBABLY MORE
16 PROTECTIVE OF PUBLIC HEALTH AND SAFETY. IN
17 PARTICULAR, THEY NOTED THE TEN -- WE HAVE THIS
18 TEN-DAY/THREE-DAY -- WE HAD THIS TEN-DAY/THREE-DAY
19 HOLDING TIME FOR STORAGE AND HANDLING OF GREEN
20 MATERIAL. WE DISAGREE WITH THE COMMENT. IN FACT,
21 WE THINK THAT THE CHANGES ARE MORE PROTECTIVE OF
22 PUBLIC HEALTH AND SAFETY BECAUSE THE TEN-DAY/
23 THREE-DAY MAY STILL NOT BE PROTECTIVE ENOUGH
24 DEPENDING UPON THE TYPE OF MATERIAL PROCESSED.
25 FURTHERMORE, WE PULLED OUT A GENERAL

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1 STANDARD THAT WOULD APPLY TO ANY WASTE-DERIVED ADC
2 TO STORAGE AND HANDLING. AND SO WE THINK THAT THE
3 CHANGE IS ACTUALLY A LOT MORE PROTECTIVE OF PUBLIC
4 HEALTH AND SAFETY.

5 ANOTHER COMMENT WAS IN THE AREA OF
6 CONCERN ABOUT CEMENT AND LIME KILN DUST. AND
7 THESE MATERIALS HAVE BEEN USED WITH ADC AND ARE,
8 IN PARTICULAR, BLENDING WITH SEWAGE SLUDGE HAS
9 BEEN DONE ACCEPTABLY WITH THESE MATERIALS. AND
10 THEY WERE CONCERNED ABOUT POTENTIAL HAZARDOUS
11 WASTE.

12 WELL, THE REGULATIONS PRECLUDE WASTE
13 THAT'S DEFINED AS A HAZARDOUS WASTE FROM BEING,
14 NOT ONLY -- IT'S JUST NOT ACCEPTED AT A CLASS III
15 BUT NOT AS COVER, SO THERE ARE CONTROLS THERE.

16 FURTHERMORE, THE TYPES OF CEMENT AND
17 LIME KILN FACILITIES, WE'VE GOT INFORMATION THAT
18 THERE'S ONE THAT BURNS HAZARDOUS WASTE, BUT THAT
19 ASH IS LANDFILLED ON SITE. IT'S NOT AVAILABLE FOR
20 USE AS AN ADC. AND SO WE DO NOT CONCUR WITH THE
21 CHANGE IN THAT AREA.

22 IN CONCLUSION, WE PROVIDED THE
23 COMMITTEE WITH TWO OPTIONS. OPTIONS 1 IS TO
24 APPROVE THE PROPOSED NEGATIVE DECLARATION AND
25 REGULATIONS AND FORWARD THESE TO THE FULL BOARD

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1 FOR THEIR CONSIDERATION OF ADOPTION AT THE JULY
2 BOARD MEETING.

3 OPTION 2 WAS TO DIRECT STAFF TO MAKE
4 CHANGES AND ISSUE ANOTHER 15-DAY COMMENT PERIOD.

5 I MIGHT ADD TO THAT, IN OUR NEGATIVE
DECLARATION,

6 WE RECEIVED NO PUBLIC COMMENTS IN OUR
NEGATIVE

7 DECLARATION.

8 IN CONCLUSION, STAFF
RECOMMEND THE

9 COMMITTEE ADOPT OPTION 1, WHICH IS TO
APPROVE THE

10 PROPOSED NEGATIVE DECLARATION AND
REGULATIONS AND

11 FORWARD THESE TO THE FULL BOARD FOR THEIR
12 CONSIDERATION OF ADOPTION AT THE JULY 23D
BOARD

13 MEETING. THANK YOU.

14 CHAIRMAN FRAZEE: ANY QUESTIONS?
15 DISCUSSION?

16 MEMBER JONES: MR. CHAIRMAN, I'D
LIKE TO

17 MAKE A MOTION THAT WE ADOPT THE NEGATIVE
DEC,

18 RESOLUTION NO. 97-320.

19 MEMBER RELIS: I'LL SECOND.
20 CHAIRMAN FRAZEE: I HAVE A MOTION
AND
21 SECOND ON THE ADOPTION OF THE NEGATIVE
22 DECLARATION. SECRETARY WILL CALL THE ROLL
ON
23 THAT, PLEASE.
24 THE SECRETARY: BOARD MEMBER
RELIS.
25 MEMBER RELIS: AYE.

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1 THE SECRETARY: JONES.

2 MEMBER JONES: AYE.

3 THE SECRETARY: CHAIRMAN FRAZEE.

4 CHAIRMAN FRAZEE: AYE. MOTION IS
5 CARRIED. AND THEN ON THE RESOLUTION ON THE
6 ADOPTION OF THE REGULATIONS.

7 MEMBER JONES: I WOULD LIKE TO MAKE A
8 MOTION THAT WE ACCEPT THE HARD WORK OF STAFF AND
9 ALL THE INTERESTED STAKEHOLDERS AND APPROVE THE
10 ADOPTION OF REGULATIONS FOR ALTERNATIVE DAILY
11 COVER, RESOLUTION NO. 97-329.

12 MEMBER RELIS: SECOND.

13 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
14 SECOND ON THE ADOPTION OF THE REGULATIONS. WE'LL
15 SUBSTITUTE THE PREVIOUS ROLL CALL ON THAT. THOSE
16 ITEMS GO ON CONSENT. IS THERE A NEED TO TAKE A
17 NEGATIVE DEC TO THE FULL BOARD?

18 MS. RICE: WE HAVEN'T USUALLY PLACED
19 REGULATIONS ON CONSENT. COUNSEL WANTS TO ADD TO
20 THAT.

21 CHAIRMAN FRAZEE: LET'S NOT. THEN WE'LL
22 FORWARD THIS TO THE BOARD WITH A PASS
23 RECOMMENDATION.

24 CHAIRMAN FRAZEE: LET'S TAKE A
25 FIVE-MINUTE BREAK OR SO.

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1 (RECESS TAKEN.)

2 CHAIRMAN FRAZEE: THE MEETING WILL COME
3 TO ORDER, PLEASE. NOW WE'RE READY FOR AGENDA ITEM
4 13. TODAY WE ARE PROVIDING A FORUM TO ACCEPT
5 PUBLIC TESTIMONY AS PART OF THE 45-DAY COMMENT
6 PERIOD FOR STORAGE AND CHIPPING AND GRINDING
7 REGULATIONS. ORAL COMMENTS WILL BE ACCEPTED UNTIL
8 ALL INDIVIDUALS HAVE HAD AN OPPORTUNITY TO SPEAK,
9 AND ALL COMMENTS WILL BE ADDRESSED IN WRITING AS
10 PART OF THE RULEMAKING RECORD, WHICH IS AVAILABLE
11 TO THE PUBLIC.

12 THE TRANSCRIPT, AS WELL AS ANY
13 EXHIBITS OR EVIDENCE PRESENTED AT THIS MEETING,
14 WILL BE INCORPORATED INTO THE RULEMAKING FILE AND
15 WILL BE REVIEWED PRIOR TO THE FINAL ADOPTION AND
16 APPROVAL BY THE CIWMB AND THE OFFICE OF
17 ADMINISTRATIVE LAW. CHANGES RESULTING FROM
18 COMMENTS RECEIVED DURING THIS FORMAL 45-DAY PERIOD
19 WILL BE REFLECTED IN THE DRAFT REGULATIONS BY
20 DOUBLE UNDERLINING AND STRIKEOUT.

21 PUBLIC HEARING FOR STORAGE AND
22 CHIPPING AND GRINDING REGULATORY REQUIREMENTS WILL
23 BE CLOSED AT THE END OF THIS AGENDA ITEM. PERSONS
24 WISHING TO SUBMIT WRITTEN COMMENTS MAY DO SO BY
25 DELIVERING THEIR COMMENTS DIRECTLY TO THE STAFF

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1 MANAGER, BRIAN LARIMORE, BY 5 P.M. TODAY.

2 JUST BY WAY OF RECORD, WE HAVE A
3 LAST MINUTE COMMUNICATION FROM VERMICULTURE
4 SERVICES INTERNATIONAL ON THIS ITEM. SO IF WE CAN
5 HAVE THE STAFF REPORT NOW.

6 MS. RICE: THANK YOU, MR. CHAIRMAN.
7 BRIAN LARIMORE AND ELLIOT BLOCK WILL HAVE A STAFF
8 REPORT.

9 MR. LARIMORE: GOOD MORNING, MR.
10 CHAIRMAN, COMMITTEE MEMBERS. THE BOARD ON
11 FEBRUARY 26TH ADOPTED EMERGENCY REGULATIONS FOR
12 CHIPPING AND GRINDING AND THE STORAGE OF ORGANIC
13 MATERIALS, INCLUDING THE STORAGE OF FEEDSTOCK AND
14 GROWTH MEDIUM, AT VERMICOMPOSTING ACTIVITIES.

15 THE REGULATIONS WERE APPROVED BY THE
16 OFFICE OF ADMINISTRATIVE LAW AND BECAME EFFECTIVE
17 ON APRIL 7TH OF THIS YEAR. THEY WILL REMAIN IN
18 EFFECT UNTIL AUGUST 5TH UNLESS AN EXTENSION FROM
19 OAL OF THE 120-DAY TIME PERIOD FOR EMERGENCY
20 REGULATIONS IS GRANTED. AN EXTENSION IS NEEDED TO
21 ALLOW ENOUGH TIME TO COMPLETE THE ADOPTION
22 PROCESS. STAFF ANTICIPATES NO PROBLEM IN
23 RECEIVING AN EXTENSION.

24 ADOPTION REQUIREMENTS INCLUDE A
25 45-DAY PUBLIC COMMENT PERIOD WHICH BEGAN ON
MAY

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1 30TH AND ENDS TODAY. COMMITTEE MEMBERS HAVE
2 RECEIVED COPIES OF THE STAFF PROPOSAL FOR
3 REVISIONS TO THE EMERGENCY REGULATIONS FOR AN
4 ADDITIONAL 15-DAY COMMENT PERIOD. ADDITIONAL
5 COPIES FOR MEMBERS OF THE AUDIENCE CAN BE FOUND AT
6 THE TABLE IN THE BACK OF THE ROOM.

7 THE MAIN COMMENTS RECEIVED DURING
8 THE 45-DAY COMMENT PERIOD CONCERN THE FOLLOWING
9 ISSUES. THE FIRST ISSUE IS THE NONCOMMERCIAL
10 STORAGE OF AGRICULTURAL MATERIAL FEEDSTOCK ON
11 AGRICULTURAL LAND FOR THE PRODUCTION OF COMPOST
12 WHICH WILL BE APPLIED TO AGRICULTURAL LANDS OWNED
13 OR OPERATED BY THE AGRICULTURAL ACTIVITY.

14 STAFF RECOMMEND THAT THE REGULATIONS
15 BE REVISED TO EXCLUDE THIS ACTIVITY FROM THE
16 STORAGE AND CHIPPING AND GRINDING REQUIREMENTS.
17 AND THAT LANGUAGE IS CONTAINED IN THE DRAFT
18 REGULATIONS I GAVE YOU A COPY OF.

19 THE SECOND ISSUE CONCERNS
20 SILVICULTURAL, WOOD, PAPER OR WOOD PRODUCT
21 MANUFACTURING OPERATIONS. STAFF RECOMMEND THAT
22 THE REGULATIONS BE REVISED TO EXCLUDE THESE
23 INDUSTRIES FROM THE STORAGE AND CHIPPING AND
24 GRINDING REQUIREMENTS.

25 THE THIRD ISSUE CONCERNS THE FACT

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1 THAT THESE REGULATIONS DO NOT SLOT STORAGE AND
2 CHIPPING AND GRINDING ACTIVITIES INTO THE PERMIT
3 TIERS. STAFF BELIEVE THAT SLOTTING OF CHIPPING
4 AND GRINDING ACTIVITIES IS OUTSIDE THE SCOPE OF
5 THESE REGULATIONS AND RECOMMENDS THAT THIS BE
6 CONSIDERED AS PART OF THE ORGANICS REGULATIONS
7 DEVELOPMENT WHICH BEGAN IN MAY.

8 THE FOURTH ISSUE CONCERNS THE FACT
9 THAT THESE REGULATIONS DO NOT REQUIRE SOME
10 FEEDSTOCK PROCESSING OPERATIONS AT VERMICOMPOSTING
11 ACTIVITIES TO BE PERMITTED OR MADE MINIMUM
12 STANDARDS. STAFF BELIEVES THIS IS ALSO OUTSIDE
13 THE SCOPE OF THESE REGULATIONS AND RECOMMENDS THAT
14 THIS BE CONSIDERED AS PART OF THE ORGANICS
15 REGULATIONS DEVELOPMENT WHICH BEGAN IN MAY.

16 THE FOLLOWING ACTIVITIES ASSOCIATED
17 WITH VERMICOMPOSTING ARE ALREADY SUBJECT TO
18 MINIMUM STANDARDS: STORAGE OF FEEDSTOCK TO BE
19 USED IN THE PRODUCTION OF GROWTH MEDIUM, STORAGE
20 OF GROWTH MEDIUM, AND CHIPPING AND GRINDING OF
21 ORGANIC MATERIALS PRIOR TO PLACEMENT IN WORM BEDS.

22 IN ADDITION, COMPOSTING AT A
23 VERMICOMPOSTING ACTIVITY MAY BE SUBJECT TO MINIMUM
24 STANDARDS AND PERMIT REQUIREMENTS UNLESS IT IS
25 USED TO SOLELY PRODUCE GROWTH MEDIUM FOR WORMS.

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1 THE FIFTH ISSUE CONCERNS THE FACT
2 THAT THESE REGULATIONS DO NOT REQUIRE A PERMIT FOR
3 COMPOSTING TO SOLELY PRODUCE GROWTH MEDIUM FOR
4 WORMS. STAFF RECOMMEND THIS BE CONSIDERED AS PART
5 OF THE ORGANICS REGULATIONS DEVELOPMENT WHICH
6 BEGAN IN MAY.

7 AFTER THIS PRESENTATION, I'M GOING
8 TO LET CHUCK WHITE SUMMARIZE HIS COMMENTS, AND
9 THEN I'LL COMMENT ON THOSE.

10 THE OPTIONS FOR THE COMMITTEE ARE
11 PROVIDE STAFF WITH GUIDANCE AND DIRECT STAFF TO
12 MODIFY THE PROPOSED REGULATIONS AND TO NOTICE THE
13 PROPOSED REGULATIONS FOR AN ADDITIONAL 15-DAY
14 PUBLIC COMMENT PERIOD OR, TWO, DIRECT STAFF TO
15 GATHER ADDITIONAL INPUT REGARDING THE PROPOSED
16 REGULATIONS.

17 STAFF RECOMMEND OPTION 1. STAFF
18 WILL SEEK APPROVAL OF THE PERMANENT REGULATIONS
19 FROM THE COMMITTEE AND BOARD IN AUGUST.

20 IF YOU WOULD LIKE, I COULD
SUMMARIZE

21 THE COMMENTS FROM THE VERMICULTURE
SERVICES

22 INTERNATIONAL DOCUMENT IF YOU WOULD LIKE
THAT.

23 FIRST COMMENT HAS TO DO WITH

THEY

24 THOUGHT THAT LIMITING VERMICOMPOSTING --

THAT WE

25 WERE LIMITING VERMICOMPOSTING SITES TO
1,000 CUBIC

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1 YARDS WHEN IN ACTUALITY WE DIDN'T PUT ANY
2 LIMITATIONS ON THE SIZE OF VERMICOMPOSTING
3 ACTIVITIES. WE DO LIMIT -- WELL, YOU'RE EXCLUDED
4 IF YOU STORE LESS THAN 1,000 CUBIC YARDS OF
5 MATERIAL, BUT THE ACTUAL VERMICOMPOSTING ITSELF IS
6 NOT REGULATED.

7 THEY ASKED THAT THE DEFINITION OF
8 VERMICOMPOSTING INCLUDE FEEDSTOCK AS BEING
9 PROCESSED FOR VERMICOMPOSTING.

10 MR. BLOCK: THE SECOND COMMENT FROM
11 VERMICULTURE SERVICES INTERNATIONAL SAYS THAT THE
12 DEFINITION OF VERMICOMPOSTING SHOULD INCLUDE
13 FEEDSTOCK THAT IS BEING PROCESSED FOR VERMI-
14 COMPOSTING. AND ACTUALLY THIS IS THE OPPOSITE OF
15 WHAT THESE REGULATIONS WERE TRYING TO DO, WHICH
16 WAS TO ESTABLISH SOME BASIC MINIMUM STANDARDS FOR
17 THE STORAGE OF THIS MATERIAL PRIOR TO IT BEING
18 USED FOR OTHER VERMICOMPOSTING OR SOMETHING ELSE.
19 THAT WAS ONE OF THE ORIGINAL REASONS FOR
20 CLARIFYING THE DEFINITION OF VERMICOMPOSTING.

21 MR. LARIMORE: THE REMAINING COMMENTS
22 HAVE TO DO WITH THE ECONOMIC IMPACTS WHICH WE'RE
23 ADDRESSING IN THE ECONOMIC IMPACT STATEMENT.

24 MR. BLOCK: LET ME JUST GO AHEAD AND FOR
25 THE RECORD ALSO INDICATE THAT THE ANALYSIS THAT
WE

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1 HAVE DONE, IN FACT, SHOWS THAT THESE COMMENTS ARE
2 NOT CORRECT, THAT THE REQUIREMENTS THAT WE ARE
3 PLACING ON CHIPPING AND GRINDING AND STORAGE, IN
4 FACT, SHOULD NOT ADD ANY SIGNIFICANT COST TO THE
5 DOING BUSINESS BECAUSE FOR THE MOST PART THESE ARE
6 GOOD BUSINESS PRACTICES AND REQUIREMENTS FROM
7 LOCAL -- EITHER THROUGH LOCAL REGULATION OR OTHER
8 ORDINANCES OR STANDARDS. AND AGAIN, THEY DON'T
9 ACTUALLY REQUEST ANY CHANGES TO THE TEXT OF THE
10 REGULATIONS AS WELL.

11 CHAIRMAN FRAZEE: OKAY. ARE WE READY TO
12 HEAR FROM COMMENTERS?

13 MR. LARIMORE: YES.

14 CHAIRMAN FRAZEE: OKAY. CHARLES WHITE
15 REPRESENTING WASTE MANAGEMENT.

16 MR. WHITE: THANK YOU, MR. CHAIRMAN,
17 MEMBERS OF THE COMMITTEE, IT'S CHARLES WHITE WITH
18 WASTE MANAGEMENT.

19 I DID SUBMIT A LETTER THIS MORNING
20 TO MR. LARIMORE -- I HOPE HE'S IN RECEIPT OF IT --
21 AS WELL AS TO MEMBERS OF THE COMMITTEE.

22 AND THE ISSUE THAT I WISH TO COMMENT
23 ON HAS TO DO PRIMARILY WITH THE DEFINITION OF A
24 MARKET PRODUCT THAT IS CONTAINED IN THE REGULA-
25 TIONS. MANY OF YOU ARE AWARE WE'VE HAD A RECENT

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1 INCIDENT REGARDING THE DEFINITION OF MARKET
2 PRODUCT, AND THE INCIDENT KIND OF HIGHLIGHTED FOR
3 US SOME OF THE INTERPRETATIONS OR POTENTIALLY
4 MISINTERPRETATIONS THAT MAY BE CIRCULATING OUT
5 THERE WITH RESPECT TO WHAT KIND OF MATERIALS ARE
6 OR ARE NOT A MARKET PRODUCT AND WHAT KINDS OF
7 FACTORS AFFECT WHETHER OR NOT A MATERIAL IS A
8 MARKET PRODUCT.

9 I THINK AGAINST THE BACKDROP OF
10 AB 939 IT'S REALLY IMPORTANT FOR THE BOARD AND
THE

11 ENFORCEMENT AGENCIES TO TREAT EVERYBODY EVEN-
12 HANDEDLY, AS EVENHANDEDLY AS POSSIBLE, AND TRY
TO

13 PROVIDE INTERPRETATION OF RULES AND
REGULATIONS

14 THAT ENCOURAGE THE DIVERSION OF MATERIALS TO
ENTER

15 THE MARKET AS A MARKET PRODUCT. OUR CONCERN
IS

16 KIND OF FOCUSED AROUND IN TWO AREAS OF
INTERPRETA-

17 TION.

18 THE BOARD'S EXISTING REGULATIONS
19 REQUIRE THAT A MARKET PRODUCT MUST BE SOLD,
BAGGED

20 FOR SALE, OR BENEFICIALLY USED IN ORDER TO
BECOME

21 A MARKET PRODUCT. AND THE ISSUE IS, WELL,
WHAT IS

22 SOMETHING THAT IS SOLD? AND WE PRODUCE AT A

23 NUMBER OF OUR FACILITIES CHIPPED WOOD

MATERIALS

24 THAT WE HAVE A CONTRACT WITH A CHIPPER. WE

25 BELIEVE THAT, IN FACT, CONSTITUTES A SALE AND,
IN

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1 FACT, THE MATERIAL HAS, IN FACT, BEEN SOLD FOR
2 PURPOSES OF PRODUCING A MARKET PRODUCT.

3 BUT AS A RESULT OF RECENT
4 INCIDENCES, WE'VE LEARNED THAT SOME LEA'S
5 INTERPRET SALE OF SOMETHING THAT IS NOT BAGGED TO
6 ONLY OCCUR ONCE IT HAS BEEN DELIVERED TO THE
7 ULTIMATE RECIPIENT OF THE MATERIAL WHO INTENDS TO
8 APPLY IT FOR BENEFICIAL USE. THAT MEANS YOU CAN
9 GO THROUGH A CHIPPING AND GRINDING OPERATION, BE
10 PRODUCING WHAT WE BELIEVE TO BE MATERIAL, BUT THE
11 LEA BELIEVES IT'S STILL A SOLID WASTE SUBJECT TO
12 ALL THE REGULATIONS AS A SOLID WASTE.

13 WE BELIEVE THIS IS INCORRECT. WE
14 DON'T BELIEVE OUR OPERATIONS ARE PRODUCING CHIPPED
15 MATERIALS FOR PURPOSES OF SOLID WASTE. WE BELIEVE
16 IT IS A MARKET PRODUCT. WE BELIEVE IT HAS BEEN
17 SOLD. BUT IT RAISED THE WHOLE SPECTER OF WHEN
18 MATERIALS, WHEN THEY ARE PRODUCED FOR PURPOSES OF
19 ENTERING THE MARKETPLACE, WHEN DO THEY CEASE TO
20 BECOME A SOLID WASTE.

21 AND SO FROM THAT STANDPOINT WE WOULD
22 URGE THE BOARD TO CHANGE THE REGULATIONS TO
23 CLEARLY INDICATE, AS CLEARLY AS POSSIBLE, AND I
24 DON'T PRETEND TO INDICATE THIS IS AN EASY MATTER
25 AND THIS IS SIMPLE AND STRAIGHTFORWARD. THERE'S

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1 MANY, MANY RAMIFICATIONS AROUND THIS ISSUE. BUT
2 TO ENCOURAGE THAT WHEN MATERIALS ARE, IN FACT,
3 BEING LEGITIMATELY PRODUCED FOR A MARKET PRODUCT,
4 THEY ARE A MARKET PRODUCT AND ARE NOT CONTINUING
5 TO BE A SOLID WASTE.

6 THE OTHER DISTURBING AREA THAT WE
7 CAME ACROSS RECENTLY WAS THE FACT THAT SOME LEA'S
8 BELIEVE THAT MATERIALS THAT ARE PRODUCED AT SOLID
9 WASTE FACILITIES ARE SOMEHOW DIFFERENT THAN
10 MATERIALS THAT ARE PRODUCED AT OTHER THAN SOLID
11 WASTE FACILITIES EVEN THOUGH THE ACTUAL RAW
12 MATERIAL, EVEN THOUGH THE PROCESSING OPERATION,
13 EVEN THOUGH THE STORAGE OPERATION COULD BE
14 IDENTICAL, BUT BECAUSE IT HAPPENS TO BE
ASSOCIATED

15 WITH A SOLID WASTE FACILITY, SUCH AS A DIVERSION
16 PROJECT AT A LANDFILL, SOMEHOW THAT MATERIAL
17 THAT'S BEING PRODUCED IS MORE LIKELY TO BE
18 REGULATED AS A SOLID WASTE AS OPPOSED TO THE
SAME

19 KIND OF PRODUCT THAT'S BEING PRODUCED AT AN AREA
20 THAT IS NOT ASSOCIATED WITH A SOLID WASTE
21 FACILITY.

22 WE THINK THIS REALLY SENDS THE
WRONG

23 MESSAGE IF YOU'RE TRYING TO ENCOURAGE OPERATORS
TO
24 PRODUCE MATERIALS IF THE LEA'S ARE THERE
25 CONTINUING TO REGULATE THIS MATERIAL THAT WE

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1 PRODUCE AS PART OF OUR SOLID WASTE OPERATIONS TO
2 CONTINUE TO BE A SOLID WASTE EVEN ONCE IT'S BEEN
3 PRODUCED AS WHAT WE BELIEVE TO BE A MARKET
4 PRODUCT.

5 SO THAT GETS TO THE POINT OF WHAT
6 ARE WE PROPOSING FOR CHANGES. AND THE CHANGES
7 THAT WE'RE SUGGESTING THAT YOU CONSIDER AS PART OF
8 THIS 15-DAY PUBLIC NOTICE PROCESS FOCUSES
9 PRIMARILY ON THE DEFINITION OF MARKET PRODUCT,
10 WHICH IS ON LINE 15 OF PAGE 4 OF THE REGULATION
11 PACKAGE THAT WAS PUBLIC NOTICED. AND INSTEAD OF
12 JUST SIMPLY RESTRICTING MARKET PRODUCT TO MEAN A
13 FEEDSTOCK, COMPOST, OR CHIPPED AND GROUND MATERIAL
14 THAT HAD BEEN SOLD, BAGGED FOR SALE, OR
15 BENEFICIALLY USED, WE SUGGEST THAT IT BE SOMETHING
16 THAT'S BEEN SOLD, BAGGED FOR SALE, STOCKPILED FOR
17 SALE, MARKETED FOR SALE, GIVEN AWAY FOR BENEFICIAL
18 USE, OR OTHERWISE BENEFICIALLY USED.

19 AND THE REASON THAT WE THINK GIVEN
20 AWAY MAKES SENSE IS WE THINK THERE'S A NUMBER OF
21 OPERATIONS OUT THERE THAT THERE ISN'T ACTUALLY A
22 SALE; BUT, FOR EXAMPLE, YOU MAY HAVE A CITY THAT
23 WANTS TO USE THE CHIPPED MATERIAL FOR THEIR
24 LANDSCAPE OPERATIONS, LIKE CITY OF DAVIS WHERE I
25 LIVE DOES EXACTLY THAT. ACTUALLY I'M NOT

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1 COMPLETELY FAMILIAR WITH WHAT KIND OF CONTRACTUAL
2 ARRANGEMENT THEY MAY HAVE BETWEEN THE CITY AND THE
3 WASTE PROVIDER THERE. BUT IN MANY CASES IT MAY
4 JUST SIMPLY BE GIVEN AWAY TO THE CITY. BUT IF
5 IT'S NOT SOLD PER SE, MANY LEA'S MAY CONSIDER THE
6 SUBSEQUENT STOCKPILING OF THESE MATERIALS BY THE
7 CITY PRIOR TO ITS APPLICATION IN LANDSCAPING
8 PROJECTS TO STILL BE A SOLID WASTE BECAUSE IT
9 HASN'T BEEN SOLD. AND THAT KIND OF SPECTER CAUSES
10 US SOME TROUBLE.

11 SO WE BELIEVE THE LANGUAGE THAT
12 WE'RE SUGGESTING MAKES MORE SENSE TO CLEARLY --
13 MORE CLEARLY INDICATE THAT MATERIALS THAT ARE
14 INTENDED FOR BENEFICIAL USE AND ARE BEING
15 PROCESSED. NOW, THE QUESTION IS, WELL, GEE WHIZ,
16 WHAT IF THIS MATERIAL IS INTENDED, HOW DO YOU KNOW
17 INTENT? HOW DO YOU KNOW IF SOMETHING IS GOING TO
18 CAUSE A PROBLEM? AND THE ISSUE -- ONE OF THE
19 PRIMARY FACTORS IS, WELL, IS IT GOING TO BE
20 SUBJECT TO BIOLOGICAL DECOMPOSITION?

21 IF YOU PRODUCE A MATERIAL THAT IS
22 INTENDED FOR SALE OR BEING MARKETING FOR SALE, BUT
23 IT BIOLOGICALLY DECOMPOSES, I WOULD ARGUE THAT IT
24 WOULD RECAPTURE THE SOLID WASTE REGARDLESS OF
25 WHETHER OR NOT THAT OCCURS AT A SOLID WASTE

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1 FACILITY OR NOT. AND THAT GOES TO THE SECOND
2 PROBLEM WITH THE EXISTING DEFINITION OF MARKET
3 PRODUCT THAT TALKS ABOUT THE PRODUCT DOES NOT
4 INCLUDE ORGANIC MATERIALS UNDERGOING BIOLOGICAL
5 DECOMPOSITION AT A COMPOSTING OPERATION OR
6 FACILITY.

7 SO THAT MEANS IF YOU'VE GOT A
8 BIOLOGICAL DECOMPOSITION AT A COMPOSTING OPERATION
9 OR FACILITY, IT'S A SOLID WASTE. IF YOU MEAN BY
10 DECOMPOSITION AT SOME OTHER LOCATION PRESUMABLY
11 NOT A SOLID WASTE, WE'RE SUGGESTING YOU CHANGE
12 THIS LAST SENTENCE, THIS DEFINITION OF MARKET
13 PRODUCT, TO SAY MARKET PRODUCT DOES NOT INCLUDE
14 ORGANIC MATERIALS UNDERGOING BIOLOGICAL
15 DECOMPOSITION AT ANY FACILITY, OPERATION, OR
16 LOCATION THAT IS NOT EXCLUDED IN YOUR EXCLUSION
17 SECTION.

18 AND THEN AS A RESULT OF MAKING THAT
19 CHANGE, WE WOULD SAY THAT IN YOUR EXCLUSION
20 SECTION, THAT'S SUBDIVISION A OF SECTION 17855,
21 THAT'S LINE -- STARTS AT LINE 21.5 ON PAGE 7,
22 WHERE IT TALKS ABOUT STORAGE AND HANDLING OF
23 MARKET PRODUCT IS EXCLUDED, YOU SIMPLY EXCLUDE IT
24 ONLY IF IT'S NOT UNDERGOING BIOLOGICAL DECOMPOSI-
25 TION.

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1 SO AGAIN, IF IT'S UNDERGOING
2 BIOLOGICAL DECOMPOSITION, PRESUMABLY IT'S NOT
3 BEING PROPERLY MANAGED, IT'S NOT BEING CAREFULLY
4 TENDED TO, IT'S NOT REALLY BEING MANAGED AS A
5 MARKET PRODUCT, BUT JUST SIMPLY BEING STOCKPILED
6 AND THEN MAY BE MORE AKIN TO BEING REGULATED AS A
7 SOLID WASTE. BUT SOMETHING THAT IS NOT

UNDERGOING

8 BIOLOGICAL DECOMPOSITION, THAT IS BEING
9 STOCKPILED, IT IS INTENDED FOR MARKET SALES,
10 MARKET USE, THE BOARD OUGHT TO BE CLEARLY
11 INDICATING THAT THESE MATERIALS SHOULDN'T BE
12 REGULATED AS A SOLID WASTE AND, IN FACT, SHOULD
13 BE
14 ENCOURAGING FACILITIES SUCH AS OURS AND OTHER
15 MARKETPLACE PARTICIPANTS TO PRODUCE MATERIALS TO
16 ENTER INTO THE MARKETPLACE AS A MARKET PRODUCT
17 AND
18 REUSABLE -- BENEFICIALLY REUSED MATERIAL.

19 SO THESE ARE OUR COMMENTS. I
20 WOULD

21 SUGGEST YOU CONSIDER TWO OPTIONS WITH RESPECT TO
22 THE COMMENTS I'VE GIVEN TO YOU TODAY. ONE IS
23 SIMPLY TAKE THEM AS I'VE GIVEN THEM TO YOU AND
24 PUT
25 THEM OUT FOR 15-DAY PUBLIC NOTICE, AND THAT'S

22 OBVIOUSLY MY PREFERRED OPTION. I HOPE YOU DO
23 THAT.
24 THE SECOND OPTION WOULD BE ALLOW
THE
25 WHOLE DISCUSSION OF THE APPROPRIATE CRITERIA AS
TO

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1 WHAT IS A MARKET PRODUCT TO BE ADDRESSED DURING
2 THE SUBSEQUENT 15-DAY PERIOD. THAT IS, NORMALLY
3 AN AGENCY ONLY PUTS OUT FOR COMMENT THOSE THINGS
4 THEY MAKE SPECIFIC CHANGES TO, BUT YOU CAN DIRECT
5 THROUGH YOUR PUBLIC NOTICE PROCESS THAT THE BOARD
6 WOULD BE WILLING TO TAKE ADDITIONAL COMMENTS FROM
7 A WIDE SPECTRUM OF INDIVIDUALS WITH RESPECT TO
8 MARKET PRODUCT ISSUES OR ISSUES IN THE REGULATIONS
9 RELATED TO WHAT IS OR IS NOT A MARKET PRODUCT AND
10 TAKE THAT UP FOR FURTHER CONSIDERATION. THAT'S MY
11 SECOND OPTION AND IT'S NOT MY PREFERRED ONE, BUT
12 I'D BE WILLING TO GO ALONG WITH THAT IF YOU SO
13 DESIRE. BUT AGAIN, MY PRIMARY RECOMMENDATION
14 WOULD BE TO TAKE THE AMENDMENTS AS I'VE STATED
15 THEM. THANK YOU.

16 MEMBER JONES: ASK MR. WHITE A QUESTION.
17 I UNDERSTAND THE FRUSTRATION THAT YOU GUYS HAVE
18 FACED DOWN IN THAT OTHER LOCALE. BUT I HAVE -- I
19 DIDN'T GET IT ALL WRITTEN DOWN, MR. WHITE, BUT ONE
20 OF THEM WAS THE STOCKPILING OF MATERIAL THAT HAS
21 BEEN PROCESSED WOULD BE CONSIDERED A MARKET
22 PRODUCT.

23 MR. WHITE: AS LONG AS IT'S NOT
24 UNDERGOING BIOLOGICAL DECOMPOSITION. THE SECOND
25 IT STARTS UNDERGOING BIOLOGICAL DECOMPOSITION,

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1 THEN YOU COULD ENTER IT IN TO REGULATE AS A SOLID
2 WASTE. I PRESUME EVERYTHING OUT THERE IS GOING
3 THROUGH BIOLOGICAL DECOMPOSITION. I MEAN I AGREE
4 IT'S A FUZZY AREA, BUT IF IT GETS TO THE POINT
5 WHERE IT'S SIGNIFICANT ENOUGH, THERE'S A PROBLEM
6 OCCURRING AS A RESULT OF THAT BIOLOGICAL
7 DECOMPOSITION, THEN PRESUMABLY THE LEA WOULD ACT.

8 MEMBER JONES: IS THERE ANOTHER WAY TO
9 TREAT THAT THOUGH?

10 MR. WHITE: THERE MAY BE MANY OTHER WAYS.

11 MEMBER JONES: I SEE THAT -- I DON'T HAVE
12 ANY PROBLEM WITH MOST OF WHAT YOU ARE SAYING, BUT
13 I SEE AN ABUSE THAT COULD BE TAKEN ADVANTAGE OF BY
14 CHIPPING MATERIAL, STOCKPILING IT, AND THEN WHEN A
15 REGULATOR GOES IN, THEY SAY, WAIT A SECOND. THIS
16 IS MARKET PRODUCT. I MEAN WE FACE THE SALE ISSUES
17 WITH BALED TIRES, THAT THEY SAY IT'S A COMMODITY,
18 IS A PRODUCT. IT, IN FACT, ISN'T A PRODUCT. IT
19 COULD BE REUSED, BUT I'M NOT PREPARED TO CALL IT A
20 PRODUCT.

21 I JUST WORRY ABOUT THE ABUSERS. I
22 DON'T THINK YOU FALL IN THAT CATEGORY, AND THERE
23 NEEDS TO BE, I THINK, A WAY TO DEAL WITH THE
24 FRUSTRATION OF HAVING SOMEBODY TAG WHAT IS A
25 NATURAL OCCURRENCE, BURNING SOLID WASTE, BUT I'M

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1 NOT SURE THAT -- I THINK IN TRYING TO FIX THAT, WE
2 MAY CREATE ANOTHER PROBLEM HERE. I'M A LITTLE --
3 I'M NOT SURE HOW WE ARE DEALING WITH THAT, CHUCK.

4 MR. WHITE: AND LIKEWISE, I'M SURE NOT
5 EITHER, ALTHOUGH I THINK YOU COULD PUT ADDITIONAL
6 CRITERIA IN THAT MARKET PRODUCT DEFINITION IF YOU
7 SO DESIRE TO FURTHER SPECIFY THAT IT'S ONLY A
8 MARKET PRODUCT IF IT'S NOT CAUSING A NUISANCE, NOT
9 CAUSING AN ODOR, NOT CAUSING -- I MEAN YOU COULD
10 DO ALL KINDS OF OTHER ADDITIONAL CRITERIA TO
11 CLARIFY THAT THE MATERIAL IS ONLY A MARKET PRODUCT
12 IF IT'S, YOU KNOW, NOT CAUSING A PROBLEM. THE
13 SECOND IT STARTS CAUSING A PROBLEM IN ANY WAY,
14 SHAPE, OR FORM, THEN IT MOVES CLOSER TO BEING
15 REGULATED AS A SOLID WASTE. I DON'T DISAGREE
16 THERE'S GOING TO BE JUDGMENT APPLIED HERE.

17 IT'S JUST THAT THESE TWO AREAS WHICH
18 WE BELIEVE TO BE SO WRONG, IN OUR OPINION, THAT
19 THE MATERIAL SOMEHOW IS SOLD BECAUSE OF WHERE
20 IT -- PRIMARILY BECAUSE OF WHERE IT'S BEING
21 PRODUCED ONLY BECOMES -- CEASES TO BECOME A SOLID
22 WASTE ONCE IT'S BEEN DELIVERED, SAY, 300 MILES OR
23 200 MILES OR 50 MILES; WHEREAS, SOMETHING THAT'S
24 BAGGED OR A SIMILAR CHIPPING OPERATION ACROSS

TOWN

25 THAT PRODUCES -- EVERYBODY ACKNOWLEDGES IS

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1 PRODUCING A MATERIAL IRREGARDLESS OF WHEN IT
2 ARRIVES AT ITS ULTIMATE DESTINATION.

3 THERE JUST NEEDS TO BE AN INJECTION
4 OF A LITTLE CLEARER AND MORE UNIFORM INTERPRETA-
5 TION OF REQUIREMENTS BETWEEN THOSE FOLKS THAT ARE
6 CONDUCTING THESE OPERATIONS AT SOLID WASTE
7 FACILITIES LIKE WE PRIMARILY DO AND THOSE FOLKS
8 THAT ARE CONDUCTING THESE OPERATIONS AT OTHER THAN
9 SOLID WASTE FACILITIES. AND I THINK THE PROBLEM
10 CAN BE ADDRESSED.

11 I'M NOT NECESSARILY SAYING THAT MY
12 SUGGESTION HERE IS THE BEST AND ADDRESSES ALL
13 THESE ISSUES. AND THAT'S WHY I THINK THESE KIND
14 OF CONCERNS CAN BE AND SHOULD BE ADDRESSED DURING
15 A 15-DAY PUBLIC COMMENT PERIOD. AND YOU CAN DO
16 IT, LIKE I SAY, IN ONE OF TWO WAYS. YOU CAN TAKE
17 MY COMMENTS, MY SUGGESTED LANGUAGE, AND PUT IT OUT
18 FOR PUBLIC NOTICE AND TAKE COMMENTS ON WHETHER OR
19 NOT THAT IS THE RIGHT FIX, OR YOU OPEN UP THE
20 WHOLE DEFINITION OF MARKET PRODUCT DURING THE
21 15-DAY PUBLIC COMMENT TO ALLOW PEOPLE TO COME
22 TOGETHER AND GIVE YOU THEIR BEST THOUGHTS ON HOW
23 BEST THIS MARKET PRODUCT SHOULD BE DEFINED TO
24 ADDRESS YOUR CONCERN AND MY CONCERN AS WELL.

25 MEMBER JONES: I THINK BEFORE YOU
ANSWER

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1 THAT, ELLIOT, I HAVE A QUESTION ABOUT WHY ISN'T
2 GIVING IT AWAY, WHICH HE HAD SUGGESTED, A VIABLE
3 OPTION UNDER MARKET PRODUCT BECAUSE WITH THE
4 DEREGULATION OF BIOMASS PLANTS ALL UP AND DOWN THE
5 STATE, HAULERS AND FACILITY OPERATORS ARE STILL
6 GOING THROUGH THE PROCESS AND TRYING EVERY AVENUE
7 THEY CAN TO GIVE IT AWAY.

8 MR. LARIMORE: I WOULD RECOMMEND THAT
9 THAT LANGUAGE BE PUT IN, THAT PART OF THE
10 LANGUAGE; HOWEVER, I WOULDN'T RECOMMEND THAT THE
11 STOCKPILE FOR SALE OR MARKET FOR SALE LANGUAGE BE
12 PLACED IN.

13 MEMBER JONES: DO YOU SEE A WAY THAT WE
14 CAN ADDRESS THE ISSUE OF STOCKPILING IN THOSE
15 TYPES OF THINGS BECAUSE, YOU KNOW, CLEARLY IF YOU
16 HAD A SOLID WASTE FACILITY THAT YOU IDENTIFIED AN
17 AREA OF OPERATION THAT WAS OUTSIDE OF THE SCOPE OF
18 A LANDFILL -- I MEAN OF A LANDFILL OR TRANSFER
19 STATION PERMIT, AND YOU HAD IDENTIFIED IT AS AN
20 AREA OF OPERATION FOR A RECYCLING OPERATION, IT
21 WOULDN'T FALL UNDER THE SAME SOLID WASTE FACILITY
22 REQUIREMENTS THAT OPERATORS THAT HAVE THAT
23 INCLUDED? YOU KNOW WHAT I'M SAYING?

24 AND WE NEED TO HAVE A FAIRNESS
ISSUE

25 HERE WITH MATERIAL THAT'S BEING PROCESSED, STAYS

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1 IN LINE. YOU KNOW, THE OPERATOR IS AT THE MERCY
2 OF THE HAULING COMPANY, AT THE MERCY OF THE
3 MARKETS, AT THE MERCY OF A LOT OF THINGS, AND AT
4 THE MERCY OF LEA'S THAT DETERMINE THAT, YOU KNOW,
5 THIS IS SOLID WASTE EVEN THOUGH IT'S BEEN
6 PROCESSED AND IT'S READY TO BE DELIVERED
7 SOMEWHERE. YOU KNOW, I DON'T -- I DON'T WANT TO
8 CREATE SOMETHING THAT WE HAVE TO GO OUT AND
9 ANALYZE WHETHER OR NOT IT'S DECOMPOSING OR DOING
10 THINGS LIKE THAT, BUT WE NEED TO HAVE A FAIRNESS
11 ISSUE BECAUSE A LOT OF SOLID WASTE FACILITY
12 PERMITS WHEN THEY'RE APPLIED FOR WON'T -- THE LEA
13 WANTS THAT OPERATION INCLUDED IN THE SOLID WASTE
14 FACILITY PERMIT. SO THE OPERATOR DOESN'T HAVE THE
15 OPTION OF CARVING OUT A PIECE AS A, YOU KNOW,
16 RECYCLING SEPARATE FUNCTION IN AN AREA OF -- YOU
17 KNOW, AN AREA OF OPERATION.

18 BUT THEN WHEN THEY TREAT THAT AS
19 SOLID WASTE, WHEN IT'S CLEARLY BEEN PROCESSED FOR
20 AN END USE SOMEWHERE, MAYBE THEY COULD STORE IT
21 AND USE IT FOR ALTERNATIVE DAILY COVER AND NOT
22 FALL UNDER THE SAME PROBLEM, BUT, YOU KNOW, I
23 THINK WE REALLY NEED TO LOOK AT THAT. I THINK
HE
24 BRINGS UP A GOOD POINT, AND I THINK WITH THE

25 DEREGULATION OF THOSE PLANTS, IT BECOMES AN
EVEN

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1 MORE CRITICAL ISSUE THAT WE NEED TO TALK ABOUT
2 BECAUSE WE'RE HITTING THEM FROM BOTH SIDES.

3 MR. BLOCK: IF I MAY JUMP IN, I CAN'T
4 SPEAK TO THE ISSUE IN TERMS OF WHAT PARTICULAR
5 LEA'S MAY OR MAY NOT BE REQUIRING. BUT TO THE
6 EXTENT THAT YOU'VE BEEN GIVEN THE IMPRESSION THAT
7 IF THIS KIND OF MATERIAL IS BEING STORED OR
8 HANDLED ON SITE AT A SOLID WASTE FACILITY AND ALSO
9 THE SAME OPERATION IS GOING ON SOMEWHERE ON AN
10 OTHERWISE PERMITTED SOLID WASTE FACILITY PERMIT
11 THAT SOMEHOW THE SAME STANDARDS DON'T APPLY,
12 THAT'S INCORRECT. THE SAME STANDARDS, THE STORAGE
13 AND CHIPPING AND GRINDING STANDARDS ARE NOT
14 DEPENDENT ON A LOCATION BEING IDENTIFIED --
15 PREVIOUSLY IDENTIFIED AS A SOLID WASTE FACILITY.

16 SO THERE'S SOME OTHER ISSUES THAT
17 ARE GOING ON PERHAPS THAT HAVE TO DO WITH A
18 PARTICULAR SITE WHERE THERE'S SOME OTHER ISSUES,
19 BUT IT'S THE STORAGE OR THE CHIPPING AND GRINDING
20 ITSELF THAT WOULD PULL A PARTICULAR SITE WITHIN
21 SOME OF OUR STANDARDS IN THE FIRST PLACE. IN
22 OTHER WORDS, IT'S NOT REQUIRING THAT -- IN
FACT,
23 THE THIRD OPTION THAT I WAS GOING TO SUGGEST,
24 BECAUSE THERE IS A THIRD OPTION, I BELIEVE, HAS

TO

25 DO WITH THE FACT THAT THESE CHIPPING AND
GRINDING

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1 AND STORAGE STANDARDS SPECIFICALLY EXCLUDE FROM
2 THEIR REQUIREMENTS STORAGE OR CHIPPING AND
3 GRINDING OF MATERIAL LOCATED AT AN ALREADY
4 PERMITTED SOLID WASTE FACILITY.

5 IN FACT, THAT LANGUAGE WAS ADDED
AT

6 MR. WHITE'S SUGGESTION BEFORE WE WENT OUT FOR
THE

7 45-DAY COMMENT PERIOD. SO THE REGULATIONS AS
THEY

8 STAND RIGHT NOW, ALTHOUGH OBVIOUSLY YOU CAN
ARGUE

9 BY ANALOGY, THEY DON'T ACTUALLY COVER THE
10 PARTICULAR SITUATION THAT HAS GIVEN RISE TO
THESE

11 CONCERNS. THIS DEFINITION IS NOT STRICTLY
12 APPLICABLE TO STORAGE OR CHIPPING AND GRINDING
AT

13 AN ALREADY PERMITTED SOLID WASTE FACILITY
PERMIT

14 BECAUSE WE'VE EXCLUDED THOSE FROM THESE
15 REGULATIONS.

16 SO THAT LEADS TO WHAT I WOULD
17 SUGGEST IS A THIRD OPTION WHICH, AS REGARDS
THIS

18 PARTICULAR LANGUAGE ABOUT STOCKPILED FOR SALE,
19 MARKETED FOR SALE, THAT WE PUT THAT ISSUE OFF
INTO
20 THE ORGANICS REGULATIONS PACKAGE, WHICH HAS
JUST
21 STARTED UP, BECAUSE THIS OBVIOUSLY LEADS TO
SOME
22 REALLY BROAD ISSUES ABOUT WHAT IS A WASTE AND
HOW
23 DO YOU MEASURE.
24 IF YOU RECALL, THE BEGINNING OF
THE
25 REGULATIONS YOU'RE DEALING WITH NOW, THESE ARE

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1 JUST TO TURN THE EMERGENCY REGULATIONS INTO
2 PERMANENT REGULATIONS. AND WE SPECIFICALLY, TO
3 DEAL WITH THAT ISSUE AS QUICKLY AS WE COULD,
4 DECIDED WE NEEDED TO HAVE SOME BRIGHT LINES, IF
5 YOU WILL, AND THAT'S WHY SOLD, I.E., IT'S GONE
6 FROM THE SITE, BAGGED FOR SALE SO THERE'S
7 SOMETHING PHYSICAL THAT CAN BE SEEN AS OPPOSED TO
8 HAVING TO TAKE TEMPERATURE MEASUREMENTS TO
9 DETERMINE IF THERE'S DECOMPOSITION GOING ON OR
10 HAVING TO DETERMINE ON INTENT, WHICH IS ANOTHER
11 THING WE WERE TRYING TO GET OUT OF. SO THAT'S
WHY
12 THE LANGUAGE ISN'T IN THE REGULATIONS AS THEY
ARE,
13 BUT THAT WAS, OF COURSE, ONE OF THE REASONS WHY
WE
14 THEN EXCLUDED FROM THESE EMERGENCY REGULATIONS
15 ALREADY PERMITTED SITES.
16 SO IT'S A BROADER ISSUE THAT I
THINK
17 NEEDS SOME MORE DISCUSSION. I WOULD BE PRETTY
18 UNCOMFORTABLE DOING THAT AS PART OF THE 15-DAY
19 COMMENT PERIOD BECAUSE THIS IS, I THINK, AN ISSUE
20 THAT IS GOING TO TAKE A LITTLE BIT MORE INPUT IN
21 TERMS OF HOW THIS MAKES SENSE AND A FORUM FOR

22 HAVING A DISCUSSION OF DIFFERENT POTENTIAL WAYS
OF
23 DOING THAT AS OPPOSED TO THE MORE FORMAL SORT OF
24 COMMENT AND RESPONSE THAT YOU GET IN A 15-DAY
25 COMMENT PERIOD.

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1 MR. WHITE: MY CONCERN ABOUT DELAYING IT
2 IS THAT THESE DIFFERENT INTERPRETATIONS ARE GOING
3 ON OUT THERE EVERY DAY NOW, AND IT WOULD BE NICE
4 FOR SOME KIND OF GUIDANCE TO BE GIVEN AS TO THESE
5 MATERIALS.

6 AND ACTUALLY I DISAGREE WITH ELLIOT
7 WITH RESPECT TO USING SALE AS A CRITERIA IN A
8 SENSE BECAUSE WHAT CONSTITUTES A SALE. OVER THIS
9 LAST ISSUE THAT PRECIPITATED ALL THIS, WE WERE
10 LOOKING AT CONTRACTS. WE HAVE CONTRACTS ON ALL
11 THESE MATERIALS, AND THEY ALL CALL FOR MATERIAL
12 BEING PRODUCED FOR A MARKET PRODUCT, BUT THE
13 ENFORCEMENT AGENCY IN QUESTION DIDN'T BELIEVE THAT
14 THIS REALLY CONSTITUTED A FINAL SALE UNTIL IT WAS
15 ACTUALLY DELIVERED TO THE -- SO I MEAN AT WHAT
16 POINT IS THE SALE CONSUMMATED?

17 IS IT AT THE TIME YOU'VE SIGNED A
18 CONTRACT OR AT THE TIME THAT THE CONTRACT AND THE
19 MATERIAL HAS BEEN DELIVERED? I MEAN -- AND SO THE
20 BOARD REALLY SHOULDN'T BE REGULATING THINGS THAT
21 ARE SOLD OR NOT SOLD. THE BOARD SHOULD BE
22 REGULATING THINGS THAT ARE CAUSING A HUMAN HEALTH
23 AND ENVIRONMENT PROBLEM, SO I WOULD ARGUE AGAIN
24 THAT THE CRITERIA -- YOU OUGHT TO BROADLY EXCLUDE
25 MATERIALS, BUT THEN SPECIFICALLY RECAPTURE THEM IF

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1 THEY'RE CAUSING A HUMAN HEALTH PROBLEM, LIKE
2 BIOLOGICAL DECOMPOSITION, LIKE AN ODOR PROBLEM,
3 LIKE A NUISANCE, LIKE VECTORS. AND THEN IF THOSE
4 KIND OF PROBLEMS ARE ASSOCIATED WITH THIS PILE
5 THAT OTHERWISE APPEARS TO BE INTENDED FOR USE AS A
6 MARKET PRODUCT, YOU RECAPTURE IT BECAUSE IT'S
7 BEING NEGLECTED AND FALLING INTO DISREPAIR OR
8 MISUSE OR MISMANAGEMENT.

9 THAT OUGHT TO BE THE FOCUS OF THIS
10 BOARD, NOT ON DIRECTING THE LEA'S TO LOOK AT A
11 CONTRACT AND DEFINE -- DECIDE WHETHER SOMETHING
12 HAS BEEN SOLD OR NOT. IT OUGHT TO BE BASED UPON,
13 AGAIN, ON HUMAN HEALTH AND THE ENVIRONMENT.

14 MR. BLOCK: OBVIOUSLY THIS WILL DEPEND ON
15 WHAT THE COMMITTEE AND ULTIMATELY THE BOARD WANTS
16 TO DO WITH THIS DEFINITION, BUT I CAN SPEAK FOR
17 WHAT WE WERE THINKING WHEN WE WROTE THE WORD
18 "SOLD." WE WERE THINKING THAT IT'S LEAVING THE
19 PREMISES, AND THAT WAS ALONG THE IDEA OF THE
20 PROBLEMS THAT WE HAD BEEN HAVING WITH THESE TYPE
21 OF SITES IS THAT WE WANTED TO AVOID AN LEA HAVING
22 TO LOOK AT CONTRACTS, REVIEW CONTRACTS, DETERMINE
23 WHEN SOMETHING WAS SOLD OR NOT. NOW, WE MAY --
24 FOR THAT REASON MAYBE WE NEED TO CLARIFY THE WORD
25 "SOLD" A LITTLE BIT MORE. THAT WAS WHAT OUR

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1 THINKING WAS IN TERMS OF THAT LANGUAGE.

2 MEMBER RELIS: SOMETHING JUST CAME TO
3 MIND IN THE SALE ISSUE. THE WAY YOU JUST PUT IT,
4 ELLIOT, IT SOUNDS LIKE WHAT WE'RE DEALING WITH IS
5 MORE THE DISCOVERY OF A TRANSACTION AS OPPOSED TO
6 SALE MEANS MONIES EXCHANGED. AND THERE'S -- AND I
7 THINK WHAT CHUCK IS AIMING AT AND WHAT WE'RE
8 STRUGGLING WITH, BECAUSE THIS IS THE BIG ISSUE, IS
9 THERE SOME TRANSACTION THAT'S OCCURRED THAT
10 RELATES A MATERIAL TO A BENEFICIAL END USE.
11 HOWEVER, THAT IS -- THAT DOESN'T NECESSARILY MEAN
12 THAT MONEY PER SE IS EXCHANGED, BUT THERE IS A
13 SOLID RELATIONSHIP THAT PASSES SOME SORT OF COMMON
14 SENSE TEST THAT COULD BE CONSISTENTLY APPLIED
15 STATEWIDE. BECAUSE THE OTHER ISSUE YOU'RE
16 BRINGING UP, WE DON'T WANT TO HAVE, AND FOR THE
17 LEA COMMUNITY OR ANYONE, JUST BROAD DIFFERENCES OF
18 VIEW BETWEEN WHEN SOMETHING IS USEFUL AND WHEN IT
19 ISN'T.

20 MR. WHITE: RATHER THAN SALE, YOU MIGHT
21 SIMPLY SAY AN AGREEMENT EXISTS THAT REQUIRES THE
22 MATERIAL TO BE USED BENEFICIALLY. AND IF YOU
23 DEFAULT ON THAT AGREEMENT, AND THE MATERIAL IS NOT
24 USED BENEFICIALLY, IT WOULD THEN REENTER THE
25 WASTESTREAM. SO THAT WOULD BE ANOTHER WAY YOU

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1 COULD DEAL WITH THIS ISSUE, WHICH WE WOULD BE
2 SUPPORTIVE OF AS WELL.

3 MEMBER RELIS: BUT HISTORICALLY WHAT WE
4 REALLY -- THERE ARE TWO VEXING PROBLEMS THAT I
5 THINK WE'VE BEEN WORKING WITH FOR YEARS REALLY AND
6 IT WON'T BE -- IT MAY -- WHEN WE GET TO THE
7 PERMANENT REGULATIONS, MAYBE WE NEED A VERY BROAD
8 DISCUSSION OF THIS, THAT THERE WAS THE HEALTH
9 PROBLEM, HEALTH AND SAFETY PROBLEMS RELATED TO
10 STORAGE OF MATERIALS. THAT -- WE HAVE SO MUCH
11 EVIDENCE REGARDING THAT, THAT I THINK THAT'S A
12 NONDEBATABLE POINT.

13 THE OTHER ONE IS THE USE RELATED.
14 WHEN IS IT REALLY BENEFICIALLY USED? THAT CAME UP
15 IN ALL THE AGRONOMIC DISCUSSIONS. SO IF OUR
16 UNDERSTANDING THROUGH THIS PROCESS AND THROUGH
17 SUBSEQUENT CAN MORE DEEPLY ADDRESS THOSE TWO
18 DIMENSIONS, THEN I THINK WE'LL HAVE DONE ALL WE
19 CAN DO ALL AND WE CAN DO TO BRING SOME CLOSURE TO
20 THIS CRITICAL ONGOING DEBATE OF WHEN IS A
MATERIAL

21 MARKETABLE AND -- OR WHEN IS A MARKET MADE OR
NOT.

22 MR. LARIMORE: IN THE INITIAL STATEMENT
23 OF REASONS, I MADE IT CLEAR THAT ONCE IT LEAVES

24 THE SITE, IT'S A MARKET PRODUCT. IT'S GOING TO
BE
25 VERY DIFFICULT FOR THE LEA'S, YOU KNOW, UNLESS

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1 THEY COULD GO OUT THERE AND REGULATE THE ENTIRE
2 SITE, THEY'RE GOING TO BE TOLD THAT THE MATERIAL
3 IS STOCKPILED FOR SALE OR MARKETED FOR SALE. IT'S
4 GOING TO EXCLUDE BASICALLY ALL THE MATERIAL THAT
5 WE'RE TRYING TO DEAL WITH, AND IT'S GOING TO BE
6 VERY DIFFICULT FOR THE LEA'S TO DETERMINE THAT.

7 MS. RICE: AS YOU STATED, MR. RELIS, THE
8 ORIGINAL INTENT OF THESE REGULATIONS WHICH ARE NOW
9 BEING TURNED FROM EMERGENCY, HOPEFULLY, INTO A
10 FINAL REGULATIONS WAS TO DEAL PRIMARILY WITH THOSE
11 STORAGE PROBLEMS THAT WERE OCCURRING AT SITES,
12 MOST OF THEM UNPERMITTED, NOT SOLID WASTE
13 FACILITIES, PILES OF MATERIAL. AND THERE MAY OR
14 MAY NOT HAVE EXISTED CONTRACTS, ARRANGEMENTS,
15 AGREEMENTS OF ONE KIND OR ANOTHER. AND STAFF DID
16 NOT FEEL IT WAS IN THE INTEREST OF THE LEA OR US
17 TO TRY TO CRAFT A WAY OF DEFINING WHEN IS THERE
18 ENOUGH OF AN AGREEMENT OR ENOUGH OF A CONTRACT
19 THAT THIS NO LONGER CONSTITUTES MATERIAL THAT WE
20 ARE CONCERNED ABOUT BECAUSE THE CONCERN IS CREATED
21 BY THE MATERIAL ITSELF, NOT WHETHER OR NOT THERE
22 IS AN AGREEMENT OR ON THE PATH OF GETTING AN
23 AGREEMENT OR ON THE PATH TO BEING A MARKET
24 PRODUCT. IT IS SITTING THERE. IT IS CAUSING

A

25 PROBLEM.

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1 AND, THEREFORE, THE REGULATIONS
2 SIMPLY PROVIDED THE LEA A TOOL TO ADDRESS THAT
3 STORAGE PROBLEM, WHICH IS WHY STAFF, AGAIN,
WANTED
4 TO GO FOR THE SIMPLE APPROACH OF EITHER IT'S
GONE,
5 IT'S BEEN SOLD, IT'S BAGGED, OR IT'S BEING
6 BENEFICIALLY USED. AND THAT'S EVIDENT, TO TRY TO
7 GET A LOT OF THE QUESTIONING OUT OF IT AND THE
8 JUDGMENT OUT OF IT.

9 THE ISSUES THAT MR. WHITE IS
10 EXPRESSING, WE DO NEED TO WORK ON CLARIFYING.
AND

11 I UNDERSTAND WE'VE COMMITTED TO DOING THAT. AND
12 IT MAY NOT BE -- AT LEAST IT WOULD BE STAFF'S
13 RECOMMENDATION THAT IT NOT BE IN THIS PARTICULAR
14 RULEMAKING, BUT WE ARE COMMITTED TO TRYING TO
15 CLARIFY THOSE ISSUES THAT HE'S RAISED.

16 MR. WHITE: YEAH, BUT I'M VERY DISTURBED
17 ABOUT WHAT I'M HEARING HERE ABOUT THE MATERIAL
18 HAVING TO LEAVE A SOLID WASTE SITE BEFORE IT
19 CEASES TO BE A SOLID WASTE. LISTEN TO WHAT YOU
20 ARE SAYING.

21 MS. RICE: I UNDERSTOOD MR. BLOCK TO
22 CLARIFY THAT THESE REGULATIONS EXCLUDE PERMITTED

23 SOLID WASTE FACILITIES.

24 MR. WHITE: THEY EXCLUDE THEM FROM

HAVING

25 TO COMPLY WITH THESE REGULATIONS, BUT DO NOT

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1 NECESSARILY EXCLUDE IT FROM BEING REGULATED AS A
2 SOLID WASTE. THERE'S TWO DIFFERENT ISSUES HERE.
3 BE CAREFUL WHAT YOU ARE SAYING.

4 MS. RICE: I THINK OUR ONLY POINT, MR.
5 WHITE, WAS THAT THESE REGULATIONS ARE NOT DEALING
6 WITH THAT BROADER QUESTION.

7 MR. WHITE: I KNOW, BUT LISTEN TO WHAT
8 YOU'RE SAYING. YOU'RE SAYING IF I'VE GOT A SOLID
9 WASTE FACILITY, I'M PRODUCING A MARKET PRODUCT,
10 IT'S STILL A SOLID WASTE, EVEN THOUGH FOR ALL
11 INTENTS AND PURPOSES, UNTIL IT LEAVES THE SITE;
12 WHEREAS, YOU'VE GOT A SIMILAR OPERATION THAT MAY
13 BE BRINGING IN RAW WOOD FROM ANOTHER LOCATION,
14 CHIPPING AND GRINDING IT AND STOCKPILING IT, THAT
15 MAY NOT BE A SOLID WASTE BECAUSE IT'S A RAW
16 PRODUCT COMING IN. TWO DIFFERENT --

17 MS. RICE: WHICH IS A VERY VALID POINT,
18 BUT WE'RE DEALING HERE WITH REGULATIONS THAT ARE
19 MERELY ATTEMPTING TO APPLY SOME PRETTY STRAIGHT-
20 FORWARD STANDARDS TO STORAGE OF MATERIAL, PERIOD.

21 MR. WHITE: YEAH, BUT I'M STILL SAYING
22 YOU'RE INTERJECTING THE TERM "MARKET PRODUCT" FOR
23 THE FIRST TIME, AND THAT IS BEING INTERPRETED BY
24 LEA'S OUT THERE TO MEAN IF I'M PRODUCING A MARKET
25 PRODUCT IN MY SOLID WASTE FACILITY, IT'S STILL A

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1 SOLID WASTE UNTIL IT ARRIVES -- EITHER LEAVES THE
2 PROPERTY OR ARRIVES AT A DESTINATION. THAT'S
3 FUNDAMENTALLY WRONG.

4 THIS IS A NEW REQUIREMENT. YOU'RE
5 PUTTING MARKET PRODUCT FOR THE FIRST TIME IN
6 REGULATION SINCE THE EMERGENCY REGULATIONS AND NOW
7 FINALLY TODAY. AND IT'S THIS MISINTERPRETATION OF
8 THIS TERM "MARKET PRODUCT" THAT IS THE CRUX OF MY
9 PROBLEM. AND IT'S NOT FAIR FOR SOLID WASTE
10 FACILITIES TO BE SUBJECT TO A DIFFERENT STANDARD
11 THAN OTHER TYPES OF FACILITIES THAT ARE NOT
12 PERMITTED SOLID WASTE FACILITIES WITH RESPECT TO
13 THE NATURE OF THIS MATERIAL THAT THEY'RE
14 PRODUCING. THAT'S WRONG.

15 MR. BLOCK: FOR THE RECORD, I SHOULD
16 CLARIFY. THE DEFINITION OF MARKET PRODUCT THAT
17 WE'RE TALKING ABOUT TODAY IS SPECIFICALLY, BY ITS
18 OWN TERMS IN THE SECTION FOR THE PURPOSES ONLY OF
19 THIS CHAPTER, THE COMPOST REGULATIONS.
20 ACKNOWLEDGE THAT THERE MAY BE FOLKS OUT THERE THAT
21 ARE USING THIS DEFINITION IN OTHER CONTEXTS, AND I
22 THINK MS. RICE HAS INDICATED THAT THAT'S SOMETHING
23 WE WANT TO ADDRESS. THIS DEFINITION AND THESE
24 REGULATIONS DON'T HAVE ANY LEGAL FORCE OVER THE
25 SITUATION THAT YOU'RE DESCRIBING. AND THAT'S THE

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1 POINT THAT WE WERE TRYING TO MAKE.

2 MR. WHITE: IF THAT'S CLEARLY UNDERSTOOD,
3 THEN I CAN LIVE WITH THAT FOR THE TIME BEING. I
4 DO CONTINUE TO URGE YOU THAT THIS ISSUE IS CRYING
5 FOR ATTENTION.

6 MR. BLOCK: THE DEFINITION SECTION ITSELF
7 RIGHT AT THE VERY BEGINNING SPECIFIES THAT THIS IS
8 FOR THE PURPOSE OF THIS CHAPTER.

9 MR. WHITE: NOT FOR THOSE FACILITIES THAT
10 HAVE PERMITS.

11 MR. BLOCK: THAT'S CORRECT.

12 MEMBER RELIS: THEN THERE'S THE -- IS
13 THAT AN ADVISORY TYPE OF MATTER?

14 MR. WHITE: SOUNDS LIKE IT. IT WOULD BE
15 A GOOD ONE.

16 MS. RICE: WE HAD COMMITTED IN A
17 DIFFERENT FORUM TO WORK WITH MR. WHITE ON
18 CLARIFYING THESE ISSUES AND PROVIDING THAT
19 CLARIFICATION TO THE LEA'S, BE IT IN AN ADVISORY
20 OR OTHER FORMAT AS WE FIND TO BE APPROPRIATE, AND
21 WE'LL DO THAT.

22 MR. WHITE: THANKS FOR YOUR TIME.

23 CHAIRMAN FRAZEE: OKAY. THANK YOU.

24 JAMES TRUJILLO, SAN BERNARDINO COUNTY LEA.

25 MR. TRUJILLO: MORNING, MR. CHAIRMAN,

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1 COMMITTEE MEMBERS, AND BOARD STAFF. WE PROVIDED
2 OUR -- SAN BERNARDINO -- MY NAME IS JIM TRUJILLO,
3 SAN BERNARDINO LEA. WE PROVIDED COMMENTS, I
4 BELIEVE IT WAS, ON THE 8TH OF JULY TO BRIAN, AND
5 IT SOUNDS LIKE THE BULK OF HIS COMMENTS IN THE
6 STAFF REPORT, I THINK, WERE RELATED TO OUR
7 COMMENTS, BUT I'D JUST LIKE FOR THE RECORD TO
8 EXPRESS OUR COMMENTS ORALLY. I'LL TRY TO BE
BRIEF

9 AND SUMMARIZE OUR CONCERNS WITH SOME OF THESE
10 EMERGENCY REGS.

11 FIRST OF ALL, THE LEA AGREES
WITH

12 THE DEFINITION OF VERMICOMPOSTING IN THE
REGS. WE

13 AGREE THAT THE STORAGE OF FEEDSTOCK,
FEEDSTOCK

14 WHICH IS BEING PROCESSED TO GROWTH MEDIUM,
AND THE

15 STORAGE OF GROWTH MEDIUM ARE NOT CONSIDERED
16 VERMICOMPOSTING. SINCE THESE ACTIVITIES ARE
NOT

17 VERMICOMPOSTING AND, THEREFORE, NOT EXCLUDED
FROM

18 REGULATION, THE QUESTION REMAINS ARE THEY TO
BE

19 REGULATED.

20 SO WE HAVE TWO POINTS THAT WE'D
LIKE

21 TO MAKE HERE. WE'D LIKE TO SAY THAT CHIPPING
AND

22 GRINDING AND STORAGE OF A THOUSAND CUBIC
YARDS OF

23 FEEDSTOCK, COMPOST, CHIPPED AND GROUND
MATERIAL

24 ARE SUBJECT TO SPECIFIED MINIMUM STANDARDS,
BUT

25 THEY'RE NOT SUBJECT TO OBTAINING A PERMIT.
AND WE

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1 THINK THAT A PERMIT IS NECESSARY.

2 AND WE'D LIKE TO RECOMMEND THAT
3 CHIPPING AND GRINDING OF, SAY, A THOUSAND TO
4 10,000 CUBIC YARDS BE REQUIRED TO HAVE, AS WELL AS
5 STORAGE, BE REQUIRED TO HAVE A PERMIT, PREFERABLY
6 A STANDARDIZED PERMIT. ANYTHING GREATER THAN
7 10,000 CUBIC YARDS, WE THINK, WOULD REQUIRE OR
8 SHOULD REQUIRE A FULL SOLID WASTE FACILITIES
9 PERMIT.

10 THE MAIN REASON FOR PLACEMENT INTO
11 THESE RECOMMENDED PERMIT TIERS INCLUDE MAINLY THE
12 NEED FOR DISCRETIONARY ACTION THAT'S NECESSARY FOR
13 THIS SCALE OF OPERATION THAT IS GREATER THAN A
14 THOUSAND CUBIC YARDS, AND ALSO WE FEEL THE NEED
15 FOR CEQA REVIEW.

16 AS WORDED, THE PROPOSED REGULATIONS
17 DO NOT ADDRESS FEEDSTOCK WHICH IS BEING PROCESSED
18 OTHER THAN INDICATING THAT AS DEFINED THIS
19 ACTIVITY IS NOT VERMICOMPOST AND, THEREFORE, IS
20 NOT AN EXCLUDED ACTIVITY. WE INTERPRET THIS TO
21 MEAN FEEDSTOCK PROCESSING IS A REGULATED ACTIVITY
22 THEN.

23 THE PROPOSED REG REVISIONS ONLY
24 ADDRESS STORAGE AND CHIPPING AND GRINDING. THE
25 PROPOSED REG REVISIONS DO NOT ADDRESS MINIMUM

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1 STANDARDS OR PERMITTING REQUIREMENTS FOR FEEDSTOCK
2 PROCESSING. SINCE THE PUBLIC HEALTH, SAFETY, AND
3 ENVIRONMENTAL CONCERNS FOR THIS ACTIVITY ARE
4 SIMILAR TO THOSE OF COMPOSTING FACILITIES, THEN
5 REQUIRING MINIMUM STANDARDS AND A PERMIT, WE
6 THINK, IS NECESSARY.

7 WE WOULD URGE THE CIWMB TO REVISE
8 THE PROPOSED REGS TO REQUIRE A FULL PERMIT FOR THE
9 ACTIVITY OF FEEDSTOCK PROCESSING TO PRODUCE GROWTH
10 MEDIUM. THE FULL PERMIT IS NECESSARY AND
11 APPROPRIATE SINCE THE FEEDSTOCK MATERIAL BEING
12 PROCESSED IS OR CAN BE ONE FORM OR ANOTHER OF
13 MIXED SOLID WASTE. ANY TIER LESS THAN A FULL
14 PERMIT FOR FEEDSTOCK PROCESSING IS NOT
15 APPROPRIATE, WE FEEL, SINCE THE LEA WOULD NOT BE
16 ABLE TO APPLY SITE-SPECIFIC CONDITIONS TO THE
17 OPERATION, AND SITE-SPECIFIC CONDITIONS ARE NEEDED
18 IF THE FEEDSTOCK PROCESS WOULD BE ITEMS SUCH AS
19 FOOD SCRAPS, WASTE, SLUDGE, OR ANY OTHER TYPE OF
20 PUTRESCIBLE MATERIALS.

21 MEMBER RELIS: MR. CHAIR, COULD I ASK MR.
22 TRUJILLO JUST -- OKAY. FEEDSTOCK PROCESSING IN
23 YOUR VIEW WOULD BE WHERE, AT A MRF, AT A --

24 MR. TRUJILLO: IT COULD BE AT AN ALLEGED
25 VERMICOMPOSTING FACILITY. IT COULD BE ANYWHERE.

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1 MEMBER RELIS: OKAY. BUT THE
2 DETERMINATION OF THE FEEDSTOCK, THAT WOULD HAVE TO
3 BE MADE SOMEWHERE IN THE CHAIN OF ACTIVITY, EITHER
4 AT A MRF WHERE YOU'RE -- YOU HAVE A -- LET'S JUST
5 USE AN EXAMPLE THAT WE'RE ALL FAMILIAR WITH SINCE
6 YOU PROBABLY ARE NOW THE EXPERTS IN VERMICOMPOST
7 AND FEEDSTOCKS FROM YOUR OWN EXPERIENCE.

8 MR. TRUJILLO: AS WELL AS ALLEGED
9 VERMICOMPOSTING.

10 MEMBER RELIS: OKAY. WE HAD A MATERIAL
11 THAT COMES OFF A PROCESSING LINE, AND IT'S A
12 RESIDUAL THAT THE ATTEMPT IS TO MAKE IT INTO A
13 SOIL AMENDMENT. OKAY. ARE YOU SAYING -- NOW,
14 THAT'S A PERMITTED SOLID WASTE FACILITY WHERE IT'S
15 BEING GENERATED OR PROCESSED. GOES INTO A TRUCK
16 AND THEN ENDS UP AT, LET'S SAY, A VERMICOMPOST
17 FACILITY. ARE THERE TWO PLACES?

18 MR. TRUJILLO: I WOULD THINK THAT IT
19 WOULD DEPEND ON WHAT TYPE OF FEEDSTOCK IT IS, AND
20 THAT'S MAINLY WHAT I'M TRYING TO ADDRESS HERE IS
21 THAT IF IT'S A FEEDSTOCK THAT'S GOING TO BE USED
22 FURTHER ON THE LINE IN OTHER PROCESSING OR
23 PRODUCING A PRODUCT, AND THIS FEEDSTOCK IS
24 COMPRISED MAINLY OF PUTRESCIBLE-TYPE MATERIALS OR
25 MATERIALS SUCH AS SLUDGE, FOOD SCRAPS, OR

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1 WHATEVER, THEN THERE OUGHT TO BE SOME WAY TO
2 ADDRESS THE POTENTIAL TO PUBLIC HEALTH, SAFETY,
3 AND THE ENVIRONMENT, AND HOPEFULLY THROUGH A FULL
4 PERMIT.

5 MEMBER RELIS: OKAY.

6 MR. TRUJILLO: THE OTHER SECTION I'D LIKE
7 TO ADDRESS IS SECTION 17862.2, WHICH IS STORAGE,
8 AND I THINK IT REMAINS THE SAME, BUT WHAT WE
9 RECEIVED IN THE MAIL YESTERDAY OMITTED, I BELIEVE,
10 THAT PAGE, PAGE 10 AND 11 OR 11 AND 12. SO WE
11 DON'T KNOW IF IT REMAINS THE SAME AS THE DRAFT
12 REGS ON WHICH WE MADE OUR ORIGINAL COMMENTS.

13 SO ANYWAY, THE SECTION CURRENTLY
14 READS, WE THINK, "COMPOSTING TO SOLELY PRODUCE
15 GROWTH MEDIUM FOR WORMS IS NOT SUBJECT TO THE
16 PERMITTING REQUIREMENTS OF THIS CHAPTER." WE
17 THINK THIS SECTION IS INHERENTLY INCONSISTENT AND
18 CONTRADICTORY TO THE ENTIRE BALANCE OF THE
19 COMPOSTING REGS. SO WE OPPOSE THE CURRENT
20 PROPOSED WORDING AND RECOMMEND THAT YOU REVISE IT
21 BY ANY ONE OF THE THREE FOLLOWING METHODS.

22 NO. 1, DELETE THE SUBSECTION
23 ENTIRELY FROM THE PROPOSED REGULATIONS; OR, NO. 2,
24 DELETE THE SUBSECTION FROM THE PROPOSED REGS, BUT
25 CONCURRENTLY ADD TO THE SECTION 17855, WHICH READS

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1 "EXCLUDED ACTIVITIES" THE FOLLOWING: COMPOSTING,
2 OF A THOUSAND CUBIC YARDS OR LESS OF GROWTH MEDIUM
3 FOR WORMS ON SITE AT ANY ONE TIME IS AN EXCLUDED
4 ACTIVITY.

5 OUR THIRD RECOMMENDATION WOULD BE
6 JUST TO REVISE THE SUBSECTION 17862.2(C) TO STATE
7 THE FOLLOWING: STORAGE OF A THOUSAND CUBIC YARDS
8 OR LESS OF GROWTH MEDIUM FOR WORMS IS NOT SUBJECT
9 TO THE PERMITTING REQUIREMENTS OF THIS CHAPTER.

10 IN FEBRUARY THE BOARD AGENDA ITEM
11 STATED THE FOLLOWING, THAT THE REGULATION
12 REQUIREMENTS ARE BEING RECONSIDERED AFTER NEARLY
13 THREE YEARS. SIGNIFICANT HEALTH AND SAFETY AND
14 ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED FROM
15 THE OPERATION OF ACTIVITIES THAT WERE EITHER
16 EXCLUDED FROM REGULATIONS AS A COMPOSTING
17 OPERATION OR DETERMINED TO BE OUTSIDE OF THE SCOPE
18 OF REGULATORY ACTION, AND THESE EMERGENCY
19 REGULATIONS HAVE BEEN DRAFTED TO ADDRESS THESE
20 IMPACTS.

21 IT'S OUR VIEW THAT THESE PROPOSED
22 REGS DON'T GO FAR ENOUGH IN ADDRESSING THESE
23 IMPACTS, AND OUR REASONS ARE, NO. 1, THERE'S NO
24 PERMITTING REQUIREMENTS FOR CHIPPING, GRINDING,
25 AND STORAGE. THERE'S NO PERMITTING OR MINIMUM

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1 STANDARD REQUIREMENTS FOR FEEDSTOCK PROCESSING.

2 AND WITHOUT THESE REQUIREMENTS, THE LEA HAS
LITTLE

3 OR NO OPPORTUNITY TO ADDRESS THESE IMPACTS UP
4 FRONT BEFORE THEY OCCUR AND NO LEGAL LEVERAGE FOR
5 ENFORCEMENT AFTER THEY OCCUR. AND THE
REGULATIONS

6 AS PROPOSED, IF ADOPTED, WOULD ALLOW IMPACTS FROM
7 THESE ACTIVITIES TO CONTINUE TO BE UNMITIGATED
NOW

8 AND IN THE FUTURE. AND WE DON'T THINK THIS IS
9 HELPFUL IN PROTECTING PUBLIC HEALTH, SAFETY, AND
10 THE ENVIRONMENT.

11 MY REMAINING COMMENTS DEAL WITH
WHAT

12 WE RECEIVED YESTERDAY. AND I THINK I HEARD BRIAN
13 SAY SOMETHING ABOUT, WELL, WHAT'S REFERENCED HERE
14 ON THE FIRST PAGE OF THE STAFF REPORT, IT SAYS
15 "PLACEMENT OF THESE ACTIVITIES, MEANING THE
16 STORAGE AND CHIPPING AND GRINDING, INTO PERMIT
17 TIERS IS CURRENTLY BEING CONSIDERED IN THE
18 ORGANICS RULEMAKING, WHICH COMMENCED IN MAY OF
19 THIS YEAR. BUT IT'S OUR UNDERSTANDING ALSO THAT
20 THIS WON'T BE DONE OR COMPLETED UNTIL DECEMBER OF
21 NEXT YEAR, AND I DON'T KNOW IF THAT'S CORRECT,
BUT

22 THAT'S OUR UNDERSTANDING.

23 LASTLY, ON PAGE 7 OF WHAT WE

24 RECEIVED YESTERDAY, THERE APPEARS TO BE A CHANGE.

25 LINE 15, WHEN IT TALKS ABOUT THE MATERIAL IS

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1 STORED FOR SEVEN DAYS OR LESS, AS WELL AS LINE 20
2 AND 21, IT WAS CHANGED, I BELIEVE, FROM A WEEK TO
3 SEVEN DAYS IS WHAT I'M TOLD, AND I DON'T THINK
4 THAT'S A BIG DEAL. HOWEVER, IF YOU READ ON PAGE
5 22, WHERE IT TALKS ABOUT -- LINE 12(D), THE
6 OPERATOR SHALL RECORD THE QUANTITY AND TYPE OF
7 FEEDSTOCK RECEIVED AND QUANTITY OF COMPOST AND
8 CHIPPED AND GROUND MATERIAL PRODUCED, IT APPEARS
9 THAT FROM OUR LAST VERSION, THIS NEW VERSION HAS
10 OMITTED THE REMAINDER OF THE SENTENCE THAT SAID
11 "AND THE LENGTH OF TIME CHIPPED AND GROUND
12 MATERIAL AND ITS FEEDSTOCK IS STORED ON SITE." I
13 DON'T KNOW IF THAT WAS INADVERTENTLY OMITTED OR
14 LEFT OFF OR BY DESIGN, BUT IT WOULD BE HARD TO
15 TRACK THE SEVEN DAYS IF THIS SECTION WERE OMITTED.

16 MR. LARIMORE: IF I MAY JUMP IN THERE,
17 THE STORAGE STANDARD WAS CHANGED TO STATE, "THE
18 OPERATOR MAINTAINS RECORDS WHICH DOCUMENT THAT
19 MATERIAL IS NOT STORED ON SITE FOR MORE THAN SEVEN
20 DAYS." SO BASICALLY IT'S BEEN MOVED TO THAT
21 SECTION.

22 MR. TRUJILLO: TO THE STORAGE. SO
23 ANYWAY, THAT CONCLUDES MY COMMENTS. IF YOU HAVE
24 ANY QUESTIONS.

25 MEMBER RELIS: COULD I ASK, MR. TRUJILLO,

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1 ARE YOU REPRESENTING -- ARE YOU HERE STRICTLY FOR
2 SAN BERNARDINO COUNTY, OR ARE YOU SPEAKING FOR THE
3 BROADER LEA?

4 MR. TRUJILLO: SAN BERNARDINO COUNTY LEA.

5 MEMBER RELIS: THANK YOU.

6 CHAIRMAN FRAZEE: ANY STAFF COMMENTS ON
7 MR. TRUJILLO'S --

8 MR. LARIMORE: WELL, AS I MENTIONED
9 EARLIER IN MY COMMENTS, I THINK WE NEED FURTHER
10 ANALYSIS, AND IT'S GOING TO TAKE SOME TIME. I
11 DIDN'T NECESSARILY WANT TO PULL LEGITIMATE
12 VERMICOMPOSTERS IN WITHOUT HAVING A CHANCE TO
13 STUDY THE ISSUE A LITTLE FURTHER.

14 MS. RICE: AS ALSO INDICATED IN BRIAN'S
15 OPENING REMARKS WHERE WE WENT THROUGH THESE
16 COMMENTS, THERE WERE A NUMBER OF VERY VALID ISSUES
17 RAISED THAT WE DO INTEND TO ADDRESS IN THE
18 ORGANICS RULEMAKING THAT DID COMMENCE AT AN
19 INFORMAL LEVEL IN MAY. AND WE'RE WORKING TOWARDS
20 GETTING AN INFORMAL DRAFT OUT.

21 AS FAR AS THE PROPOSED COMPLETION
22 DATE, LIKE FOR ANY REGULATION, SCHEDULES ARE PUT
23 TOGETHER KIND OF ANTICIPATING A WORST-CASE
24 SCENARIO IN SOME WAYS OF HOW MANY COMMENT PERIODS
25 YOU MIGHT NEED. IT'S ALL DEPENDENT ON THE AMOUNT

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1 OF COMMENT RECEIVED. IF ALL GOES WELL, YOU COULD
2 DO WITH ONE 45-DAY COMMENT PERIOD AND HAVE THE
3 REGULATIONS DONE MUCH SOONER THAN THE END OF '98.
4 IF THERE ARE MANY COMMENT PERIODS, IT COULD GO
5 THAT LONG, SO IT ALL DEPENDS ON HOW THE PROCESS
6 GOES AND WHAT KIND OF COMMENT WE GET FROM THE
7 FIRST INFORMAL DRAFT THAT IS, OF COURSE, NOT YET
8 OUT. SO THAT IS A TARGET DATE. WE WOULD HOPE TO
9 HAVE THEM AVAILABLE SOONER. IT'S REALLY HARD TO
10 SAY.

11 CHAIRMAN FRAZEE: OKAY. NOW WE HAVE MIKE
12 FELASCO REPRESENTING THE WINE INSTITUTE.

13 MR. FELASCO: GOOD AFTERNOON, MR.
14 CHAIRMAN AND MEMBERS. I WILL BE BRIEF. WE LIKE
15 WHAT THE STAFF RECOMMENDED AND THE DEFINITION OF
16 STORAGE. I THINK THE -- IT'S ANOTHER EXAMPLE OF
17 HOW THESE REGULATIONS ARE VERY USER FRIENDLY FOR
18 AGRICULTURE. WHAT IS BEING DONE IN SECTION
19 17862.(B)(2) IS TO ALLOW FOR OTHER TYPES OF
20 AGRICULTURAL COMMODITIES, NOT JUST THE ONES
21 GENERATED ON SITE, TO BE STORED AND NOT HAVE TO GO
22 THROUGH THE PERMITTING REQUIREMENTS. WE THINK
23 THAT'S -- THERE'S NO DOCUMENTED INSTANCES OF ABUSE
24 OR PUBLIC HEALTH PROBLEMS, AND THIS WOULD ALLOW
25 AGRICULTURE TO USE OTHER TYPES OF COMMODITIES AND

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1 COMPOST. SO THAT'S ALL I WANT TO SAY IS THANK
2 YOU.

3 CHAIRMAN FRAZEE: OKAY. THANK YOU.

4 MEMBER RELIS: POINT OF CLARIFICATION.
5 IN MY COPY, LOOKING AT PAGE 177 OR PAGE 10
6 PRINTED, I DON'T SEE 17862.2.

7 MR. BLOCK: APPARENTLY THE COPY IN THE
8 AGENDA PACKET IS MISSING PAGES 11 AND 12 FROM THE
9 PROPOSED REGULATIONS; HOWEVER, IN THE SHEET THAT
10 BRIAN DID HAND OUT TODAY WITH SOME RECOMMENDED
11 CHANGES FOR THE 15-DAY COMMEND PERIOD, THOSE
12 SECTIONS 17862.1 AND .2 ARE ON THAT PAGE IN THEIR
13 ENTIRETY.

14 MEMBER RELIS: IT'S HARD TO FOLLOW.

15 MR. BLOCK: YES, I UNDERSTAND. WE JUST
16 NOTICED THAT THAT WAS MISSING. THE PROPOSED
17 CHANGES FOR THE 15-DAY COMMENT PERIOD ARE THOSE
18 IN
19 RED LINE ON THIS TWO-PAGE HANDOUT SHEET, AND IT
20 WOULD BE REDLINED AND UNDERLINED IF IT'S AN
21 ADDITION OR REDLINE AND STRIKEOUT IF IT'S A
22 DELETION.

23 MEMBER RELIS: I DON'T HAVE THE TWO
24 PAGE.

25 I'VE BEEN STRUGGLING WHERE WE ARE.

26 MR. BLOCK: WELL, THAT WOULD EXPLAIN

SOME

25

PUZZLED LOOKS ON YOUR FACE FROM THE DISCUSSION

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1 EARLIER. AND THE CHANGE THAT MR. FELASCO IS
2 TALKING ABOUT IS TO 17862.1(B)(2) AND
3 17862.2(B)(2). AND ACTUALLY THE LANGUAGE HERE IS
4 NOW CONSISTENT WITH THE LANGUAGE FROM THE
5 EXCLUSION THAT ALREADY EXISTS FROM THE ENTIRE
6 COMPOSTING REGULATIONS FROM SECTION 17855.

7 MEMBER RELIS: DOES EVERYBODY HAVE THIS?
8 ARE WE ALL ON THE SAME PAGE, SO TO SPEAK?

9 MR. LARIMORE: THERE ARE COPIES ON THE
10 BACK TABLE.

11 MR. BLOCK: WITH THAT IN MIND, LET ME,
12 JUST SO YOU HAVE IT, IN THE DISCUSSION EARLIER OF
13 MR. WHITE'S COMMENTS, IF YOU LOOK AT SECTION
14 17862.1(B)(3) AND 17862.2(B)(3) WAS THE EXCLUSION
15 THAT I WAS REFERENCING EARLIER, THAT A STORAGE
16 AND
17 CHIPPING AND GRINDING ON SITE AT AN ALREADY
18 PERMITTED FACILITY.

19 CHAIRMAN FRAZEE: OKAY. THAT HELPS
20 CONSIDERABLY.

21 MR. BLOCK: SORRY ABOUT THAT. I
22 APOLOGIZE.

23 CHAIRMAN FRAZEE: OKAY. IS THERE ANY
24 FURTHER STAFF WORK ON THIS? SO OUR
RECOMMENDATION

IS THAT WE --

25

MS. RICE: GO OUT FOR A 15-DAY.

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1 CHAIRMAN FRAZEE: -- GO OUT FOR A 15-DAY
2 COMMENT PERIOD.

3 MR. BLOCK: THAT'S CORRECT, WITH THE
4 CHANGES THAT ARE NOTED ON THE TWO-PAGE HANDOUT
5 THAT YOU JUST GOT AND IN ADDITION THE CHANGES
6 SUGGESTED BY MR. WHITE WITH THE EXCEPTION OF THE
7 LANGUAGE "STOCKPILED FOR SALE AND MARKETED FOR
8 SALE," BUT THE OTHER LANGUAGE THAT HE SUGGESTED IS
9 CLARIFICATION THAT WE CAN ALSO PUT IN.

10 CHAIRMAN FRAZEE: OKAY.

11 MEMBER JONES: I'LL SECOND THAT.

12 CHAIRMAN FRAZEE: MR. TRUJILLO'S
13 COMMENTS, WILL ANY OF THOSE BE TAKEN INTO
14 CONSIDERATION?

15 MR. BLOCK: I BELIEVE FOR THE MOST PART
16 THEY RELATED TO THE ISSUE, AND OBVIOUSLY FOR THE
17 COMMITTEE TO DECIDE, RELATED TO THE ISSUE OF
18 SLOTING THESE FACILITIES, WHICH WE'VE INDICATED
19 IS GOING TO TAKE PLACE IN ANOTHER RULEMAKING
20 PACKAGE. THE ONE SPECIFIC SECTION THAT I RECALL
21 HE WAS REFERRING TO IS SECTION 17862.2(C). AND
22 YOU WILL NOTE THAT WE HAVE BEEN AWARE OF SOME
23 CONFUSION OVER THIS SECTION, SO THE SUGGESTION
24 THAT WE HAVE PROPOSED IS LANGUAGE INDICATING
25 THERE, SAYING COMPOSTING TO SOLELY PRODUCE
GROWTH

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1 MEDIUM FOR WORMS IS SUBJECT TO THIS SECTION,
2 MEANING THE STORAGE REQUIREMENTS, BUT IS NOT
3 SUBJECT TO THE PERMITTING REQUIREMENTS OF THIS
4 CHAPTER AS AN ATTEMPT TO ELIMINATE THE CONFUSION.

5 MR. TRUJILLO: CAN I COMMENT ON THAT?

6 CHAIRMAN FRAZEE: YES.

7 MR. TRUJILLO: THAT IS THE SECTION THAT
8 CAUSES US THE MOST POTENTIAL GRIEF. AGAIN, OUR
9 CONCERN IS YOU CAN HAVE SOMEBODY THAT'S DEALING IN
10 VERMICOMPOSTING, I MEAN LEGITIMATE VERMICOM-
11 POSTING, AND WE DON'T HAVE A PROBLEM WITH THAT,
12 BUT THEY COULD POTENTIALLY BRING IN THOUSANDS OF
13 TONS PER DAY OF SEWAGE SLUDGE, FOOD SCRAPS, ANY
14 TYPE OF MATERIAL, STOCKPILE IT, COMPOST IT WITH NO
15 REGULATORY OVERSIGHT WHATSOEVER. AND I JUST DON'T
16 THINK THAT'S GOOD FOR HEALTH AND SAFETY AND THE
17 ENVIRONMENT. AND SO OF ALL THE COMMENTS THAT SAN
18 BERNARDINO COUNTY HAS PROVIDED YOU, THAT'S THE ONE
19 THAT CAUSES US THE MOST CONCERN.

20 MEMBER RELIS: WHILE YOU'RE UP HERE,
21 COULD I PURSUE THAT BECAUSE YOU MADE A STATEMENT
22 THAT TROUBLED ME ABOUT PARTICULARLY WHERE YOU ARE
23 SAYING WITH THE REGULATIONS AS WRITTEN, YOU DON'T
24 FEEL THAT YOU CAN EITHER ADDRESS UP FRONT PROBLEMS
25 OF THE KIND THAT YOU'VE SEEN NOR ENFORCE THE ONES

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1 THAT HAVE ALREADY OCCURRED.

2 MR. TRUJILLO: CORRECT.

3 MEMBER RELIS: THAT REALLY BOTHERS ME
4 BECAUSE WE'VE GONE THROUGH THIS PROCESS TO ATTEMPT
5 TO REMEDY THAT SITUATION. AND I THOUGHT WE HAD,
6 BY THESE REGULATIONS, GIVEN THE LEA'S THE TOOLS
7 NEEDED. AND WE HAVE AN LEA SAYING THAT IT DOESN'T
8 DO THE JOB.

9 MR. BLOCK: YOU KNOW --

10 MR. TRUJILLO: I'M SAYING THAT THEY DON'T
11 GO FAR ENOUGH.

12 MR. BLOCK: OKAY. AND THERE'S A
13 SIGNIFICANT DISTINCTION BETWEEN THOSE TWO
14 STATEMENTS. WE ALL ACKNOWLEDGE THAT THERE'S MORE
15 WORK THAT WE WANT TO DO; I.E., THE PLACEMENT OF
16 THESE OPERATIONS IN THE TIERS. AND THESE
17 REGULATIONS ARE MAKING PERMANENT THE EMERGENCY
18 REGULATIONS, WHICH WAS A FIRST STEP IN THAT
19 PROCESS.

20 THE CLARIFICATION THAT WE HAVE
21 SUGGESTED TO THIS SECTION RELATES TO THE FACT THAT
22 IN ISOLATION IT HAD BEEN READ BY SOME INDIVIDUALS
23 AS INDICATING THAT COMPOSTING TO SOLELY PRODUCE
24 GROWTH MEDIUM FOR WORMS -- THE LANGUAGE
THAT SAID

25 COMPOSTING TO SOLELY PRODUCE GROWTH
MEDIUM FOR

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1 WORMS IS NOT SUBJECT TO THE PERMITTING
2 REQUIREMENTS OF THIS CHAPTER. AND SOME
3 INDIVIDUALS HAD READ THAT AS MEANING IT'S NOT
4 SUBJECT TO THE CHAPTER AT ALL, WHICH, OF COURSE,
5 WAS NOT OUR INTENT; HENCE, THE SUGGESTED LANGUAGE
6 WHERE WE'RE SPECIFICALLY SAYING IT IS SUBJECT TO
7 THE STORAGE REQUIREMENTS, BUT IS NOT SUBJECT TO
8 THE PERMITTING REQUIREMENTS AT A POINT IN TIME
9 WHEN AND IF WE WERE TO DETERMINE THAT WE WERE
10 GOING TO PLACE THIS TYPE OF AN ACTIVITY IN A
11 PERMIT TIER OR NOTIFICATION TIER OR THE LIKE, WE
12 WOULD NEED TO REVISE THIS SECTION ACCORDINGLY.
13 BUT AT THE PRESENT TIME THIS PACKAGE DOES NOT
14 SUBJECT STORAGE OR CHIPPING AND GRINDING TO PERMIT
15 TIERS.

16 NOW, WHAT MR. TRUJILLO IS SAYING IS
17 HE'D LIKE YOU TO DO THAT NOW. AND OBVIOUSLY,
18 WE'RE SUBJECT TO THE DIRECTION OF THE COMMITTEE
19 AND THE BOARD. WE'VE INDICATED WHY THAT HASN'T
20 HAPPENED YET. THIS IS THE FIRST STEP, AND WE WANT
21 TO MOVE TOWARDS DOING THAT, AND WE JUST SUGGESTED
22 A CLARIFICATION IN THE INTERIM.

23 MEMBER JONES: YOU KNOW, MR. CHAIRMAN, I
24 THINK THAT FUNDAMENTALLY, I MEAN, WE'RE GOING OVER
25 GROUND THAT WE COVERED IN A HEARING RIGHT HERE

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1 BECAUSE THEY FELT, YOU KNOW, THEY NEEDED A SOLID
2 WASTE FACILITY PERMIT TO DO A SECONDARY
3 PROCESSING. AND THAT WAS GOING TO TAKE US DOWN
4 THE ROAD THAT WOULD HAVE CREATED A PROBLEM ON ALL
5 RECYCLING-TYPE FACILITIES THAT WERE NOT WITHIN THE
6 PERMIT ARENA.

7 I THINK ONE OF THE THINGS WE'RE
8 TRYING TO DO IS TO STREAMLINE THE PERMITTING PUT
9 IN THE REGULATIONS TO PROTECT THE HEALTH AND
10 SAFETY. I DON'T THINK THAT THIS ELIMINATES OR
11 KEEPS YOU OUT OF TAKING CARE OF THE HEALTH AND
12 SAFETY ISSUES BECAUSE IT'S OBVIOUS THAT WE HAD A
13 HEARING DEALING WITH THE HEALTH AND SAFETY ISSUES.

14 SO, YOU KNOW, IN THE INTERPRETATIONS
15 THAT WENT ALONG, I DON'T HAVE ANY PROBLEM WITH
16 COUNTY OF SAN BERNARDINO SAYING, YOU KNOW, WE
17 NEED -- WE WANT A FULL SOLID WASTE FACILITY
18 PERMIT. THAT'S A POINT OF VIEW. AND THAT'S
19 REASONABLE. BUT I DON'T THINK THAT THIS -- THIS
20 AT LEAST GETS THE ISSUE WITHIN -- YOU KNOW, I MEAN
21 IT FINALIZES EMERGENCY REGULATIONS, WHICH WILL
22 LEND CLARITY TO THE SITUATION. MAY NOT BE
23 EVERYTHING THAT EVERYBODY WANTS, BUT AT LEAST IT
24 LENDS CLARITY AND LET'S US DO OUR JOB AND LET'S
25 LEA'S DO THEIR JOB. IT JUST ISN'T A FULL SOLID

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1 WASTE FACILITY PERMIT.

2 MR. TRUJILLO: CAN I COMMENT ON THAT?

3 17 -- WHAT IS IT? -- 262.C, IS THAT THE ONE I'M
4 TALKING ABOUT. ANYWAY, THE ONE WHERE YOU SAY
5 COMPOSTING TO PRODUCE GROWTH MEDIUM FOR WORMS, WE
6 REALIZE THAT, YOU KNOW, THAT ADDRESSES -- THEY'RE
7 STILL SUBJECT TO THE MINIMUM STANDARDS OF FIRE,
8 ODORS, AND VECTORS. BUT AGAIN, MY THEORETICAL
9 EXAMPLE IS IF IT WERE SLUDGE, IF IT WERE FOOD
10 SCRAPS, YOU KNOW, MAYBE ALL THAT WOULDN'T APPLY
AS

11 MUCH AND MAYBE THE OVERRIDING FACTOR WOULD BE
THE

12 POTENTIAL, THE THREAT OF HARM TO THE
ENVIRONMENT

13 AND PUBLIC HEALTH WITH THE SLUDGE AND THE FOOD
14 WASTE.

15 MEMBER JONES: I THINK THAT GETS
16 ADDRESSED, YOU KNOW, LOCALLY WHEN THE ISSUE
COMES

17 UP, BUT RIGHT NOW THE ONE THAT YOU'VE DEALT
WITH

18 BRINGS IN A FOOD WASTE THAT -- YOU KNOW, THEY
19 BRING IN TEA, THEY BRING IN THE LEMON, THE
BRING

20 IN THOSE TYPES OF ISSUES, ALL PUTRESCIBLE, BUT
ALL
21 PART OF THE FEEDSTOCK THAT THE PROCESS WORKS
22 THROUGH, RIGHT? I MEAN THAT'S THE WAY I SEE
IT,
23 SO...
24 MEMBER RELIS: I THINK I'M PERSUADED
THAT
25 PROBABLY FOR THE EMERGENCY REGS AND COMPLETING

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1 THIS CYCLE, I'D BE OKAY WITH JUST PERHAPS
2 ALLOWING, AGAIN IN THIS 15-DAY, CIRCULATED AS
3 BROADLY AS WE CAN ON SOME OF THOSE DEFINITIONAL
4 MATTERS, THE MARKET MATTER. THIS DEEPER STUFF
5 ABOUT, YOU KNOW, ARE WE GOING TO BRING -- ARE WE
6 GOING TO BRING INTO THE TIERS THE MINIMUM
7 STANDARDS FOR PROCESSING, MATTERS LIKE THAT, I
8 THINK WE CAN'T DO THAT IN THIS COMPRESSED
9 FRAMEWORK.

10 I THINK -- BUT IT DOES SUGGEST TO
ME

11 DECEMBER '98, BOY, THAT'S A LONG WAYS OUT STILL
TO
12 ADDRESS THIS PROBLEM. AND I'M WONDERING IF
13 THERE'S A WAY, SINCE I THINK THE ISSUES ARE
14 FOCUSING IN A QUITE NARROW BAND NOW, OF
15 ACCELERATING WHEN WE GO INTO THAT PROCESS,
16 HIGHLIGHTING TO SOLICIT PUBLIC COMMENT COMPRESSED
17 TO THESE ISSUES OF THE MARKET, THE FEEDSTOCK
18 ISSUE, BECAUSE I THINK THOSE ARE THE REOCCURRING
19 THEMES. THEY'VE BEEN COMING UP FOR YEARS.
20 THEY'RE GOING TO CONTINUE. LET'S GET AT THEM
21 EARLY SO THAT WE CAN -- IF WE CAN ACCELERATE THAT
22 TIME FRAME, I THINK WE REALLY NEED TO.

23 WE'RE CRITICAL IN OUR -- AGAIN,
24 WE'RE GETTING CLOSE TO THE YEAR 2000. PEOPLE

NEED

25 TO WORK WITH THE BODY OF REGULATIONS THAT WE'VE

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1 GOT ON THIS COMPRESSED TIME FRAME. SO WE NEED TO
2 DO ALL WE CAN TO DELIVER THIS AS QUICKLY AS
3 POSSIBLE.

4 MS. RICE: WE CAN CERTAINLY DO OUR VERY
5 BEST TO, AS YOU SAY, FLUSH OUT THE MAJOR ISSUES
6 EARLY, PROBABLY BRING THEM TO THIS FORUM FOR SOME
7 EARLY GUIDANCE FROM THE COMMITTEE ON THE DIRECTION
8 YOU WANT TO SEE IN THE DRAFT REGULATIONS, AND TRY
9 TO MOVE MORE QUICKLY. I'M SURE YOU ALL KNOW THAT
10 ON THE TIERS, WE TEND TO RUN INTO ISSUES THAT TAKE
11 LONG.

12 CHAIRMAN FRAZEE: AND ORGANICS INCLUDES A
13 MUCH BROADER SPECTRUM.

14 MS. RICE: CORRECT. AND ANY TIME YOU'RE
15 ATTEMPTING TO BRING NEW STAKEHOLDERS UNDER PERMIT
16 REQUIREMENTS, EVEN THOUGH THEY MAY BE IN THE LOWER
17 TIERS AND THEY MAY NOT BE ACTUAL PERMIT
18 REQUIREMENTS, BUT RATHER FACILITY REQUIREMENTS,
19 IT'S A NEW WAY OF LOOKING AT THINGS FOR THOSE
20 FOLKS, AND THEY TEND TO WANT TO COME AND EXPRESS
21 THEIR VIEWS ABOUT IT. SOT IT DOES TEND TO TAKE
22 SOME TIME.

23 CHAIRMAN FRAZEE: OKAY.

24 MR. WHITE: STEP FORWARD JUST ONE MORE
25 MOMENT, MR. CHAIRMAN. AND I DO IT WITH SOME

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1 DEGREE OF TREPIDATION, NOT ONLY BECAUSE OF THE
2 LATE HOUR, BUT I GUESS MY MOTHER ALWAYS SAID SHE
3 HAD TO REPEAT THINGS TO ME SEVERAL TIMES. AND SO
4 I GUESS, I'M AFRAID I'M HERE JUST SO I CAN
5 UNDERSTAND EXACTLY WHAT I THINK ELLIOT SAID BEFORE
6 WITH RESPECT TO HOW THESE REGULATIONS APPLY TO
7 ACTIVITIES THAT OCCUR AT PERMITTED SOLID WASTE
8 FACILITIES.

9 I THINK I HEARD YOU SAY THAT THEY DO
10 NOT BECAUSE OF THE EXCLUSION CONTAINED IN BOTH
11 SECTION 862.1 AND .2(B)(3). AND SO, THEREFORE,
12 THE DEFINITION OF MARKET PRODUCT WOULD APPLY ONLY
13 TO THOSE ACTIVITIES THAT ARE NOT LOCATED AT SOLID
14 WASTE FACILITIES. IS THAT WHAT I HEARD?

15 I'M WONDERING HOW THAT CONSTRUCTION
16 IS TRUE BECAUSE, ALTHOUGH I'D LIKE THINK IT IS
17 TRUE, THE FACT IS THAT (B)(3) ONLY EXEMPTS THE
18 REQUIREMENTS FROM SUBDIVISION A, NOT FROM THE
19 ENTIRE PART OR ARTICLE OR WHATEVER IT IS WE'RE
20 TALKING ABOUT HERE. AND SO I'M WONDERING DOES
21 THAT EXCLUSION TRULY TAKE A STOCKPILE AT A
22 PERMITTED SOLID WASTE FACILITY OUT OF THE
23 DEFINITION OF THE MARKET PRODUCT THAT IS CONTAINED
24 WITHIN THIS PARTICULAR ARTICLE. AND I ONLY RAISE
25 THIS ISSUE JUST SO I CAN BE PERFECTLY CLEAR AS TO

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1 WHAT WE'RE SAYING OR NOT SAYING HERE.

2 MR. BLOCK: YES.

3 MR. WHITE: IT DOES TAKE IT OUT.

4 MR. BLOCK: I COULD ELABORATE IF THE
5 COMMITTEE WOULD LIKE.

6 MEMBER RELIS: NO. IF YOU ARE CLEAR.

7 MR. WHITE: YES IS OKAY WITH ME.

8 MR. BLOCK: THE ANSWER IS YES. BASICALLY
9 WHILE ITS REFERENCING SPECIFICALLY SUBDIVISION A
10 OF THOSE SECTIONS, IT'S SUBDIVISION A OF THOSE
11 SECTIONS THAT WOULD BRING THEM INTO THE
12 REGULATIONS IN THE FIRST PLACE.

13 MR. WHITE: SO FOR THE TIME BEING, UNTIL
14 WE GET TO THIS ORGANIC REGULATION PACKAGE THAT
15 YOU'RE TALKING ABOUT, THERE IS NO DEFINITION OF
16 MARKET PRODUCT WITH RESPECT TO MATERIALS THAT ARE
17 PRODUCED AT A SOLID WASTE FACILITY. IT'S OPEN
18 TO --

19 MR. BLOCK: WHATEVER WAS THERE BEFORE.

20 MR. WHITE: -- IN A SENSE INTERPRETATION,
21 AND WE JUST SIMPLY HAVE TO WORK ISSUES OUT WITH
22 THE LEA'S. BUT WITH RESPECT TO THOSE THAT ARE
23 PRODUCED AT THESE OTHER TYPES OF OPERATIONS, THEN
24 THESE REGULATIONS WOULD DESCRIBE WHAT IS OR IS NOT
25 A MARKET PRODUCT.

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1 MR. BLOCK: THAT IS CORRECT.

2 MR. WHITE: THANK YOU VERY MUCH. I'M
3 SORRY FOR TAKING UP ADDITIONAL TIME.

4 CHAIRMAN FRAZEE: OKAY. NOW, WE HAVE THE
5 ITEM BEFORE US, THE RECOMMENDATION THAT WE PROCEED
6 WITH AN ADDITIONAL 15-DAY COMMENT PERIOD.

7 MEMBER RELIS: MR. CHAIR, I WOULD MOVE
8 THAT. AND I WOULD JUST ASK THAT WE AMEND THAT
9 SLIGHTLY TO INCLUDE -- I THINK, MR. WHITE, YOU
10 USED -- YOUR SECOND OPTION WAS THIS REFERENCE TO A
11 WIDE SPECTRUM COMMENT ON THE MARKET ISSUE, THAT WE
12 WOULD SEEK COMMENTS IN THAT.

13 MS. RICE: GIVEN THE EXPLANATION ELLIOT
14 PROVIDED, THAT THE REGULATION DOES NOT HAVE THE
15 IMPACT THAT MR. WHITE FELT, THAT WOULD BE A VERY
16 GOOD ISSUE FOR THE SUBSEQUENT RULEMAKING, RATHER
17 THAN THIS ONE.

18 MEMBER RELIS: OKAY. AND THEN COULD I
19 SUGGEST THAT, TO FOLLOW ON WHAT ELLIOT JUST SAID,
20 THAT AN LEA ADVISORY MAY BE CONSIDERED FOR --

21 MS. RICE: ABSOLUTELY. I WILL BE MEETING
22 WITH MR. WHITE TO GO THROUGH A NUMBER OF ISSUES HE
23 RAISED IN HIS LETTER TO THE BOARD WHERE HE
24 REQUESTED ADDITIONAL CLARIFICATION ON A NUMBER OF
25 POINTS, THAT WAS JUST ONE, AND REQUESTED THAT

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1 WHERE APPROPRIATE GUIDANCE, ETC., BE PROVIDED FOR
2 LEA'S ON A CONSISTENT POLICY. AND I WILL BE
3 WORKING WITH HIM ON THAT.

4 CHAIRMAN FRAZEE: OKAY.

5 MEMBER RELIS: YOU FOLLOW THE MOTION?

6 MEMBER JONES: NO. WE'RE NOT ON OPTION 2
7 ANYMORE, RIGHT, BECAUSE THAT WAS --

8 MEMBER RELIS: THIS IS BASICALLY ADOPTING
9 THE STAFF RECOMMENDATION.

10 MEMBER JONES: I'LL SECOND THAT.

11 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
12 AND SECOND TO -- LET ME JUST PHRASE THIS
13 CORRECTLY -- DIRECT STAFF TO MODIFY THE PROPOSED
14 REGULATIONS AND TO NOTICE PROPOSED REGULATION FOR
15 AN ADDITIONAL 15-DAY PUBLIC COMMENT PERIOD. IF
16 THE SECRETARY WILL CALL THE ROLL ON THAT.

17 THE SECRETARY: BOARD MEMBER RELIS.

18 MEMBER RELIS: AYE.

19 THE SECRETARY: JONES.

20 MEMBER JONES: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN FRAZEE: AYE. MOTION IS
23 CARRIED.

24 NOW, I KNOW WE'RE RUNNING A LITTLE
25 BEHIND HERE, BUT WE HAVE ONE FINAL ITEM, ITEM 14,

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1 AND THIS IS AN INFORMATION ONLY ITEM.

2 MS. RICE: THANK YOU. DON DIER AND
3 GEORGIANNE TURNER WILL HAVE A STAFF PRESENTATION.

4 MR. DIER: WE'LL TRY AND MAKE THIS BRIEF.
5 NOW I KNOW WHY I LIKE TO BE UP FURTHER, CLOSER TO
6 THE FRONT OF THE AGENDA, SO WE DON'T HAVE THESE
7 NOONTIME DISCUSSIONS. BUT THIS IS IN MY MIND A
8 VERY SIGNIFICANT DISCUSSION. I'VE BEEN OVERSEEING
9 THE BOARD'S FACILITY PERMITTING PROGRAM FOR ABOUT
10 THE LAST 10 OR 12 YEARS, AND IT'S NOT OFTEN WE'VE
11 HAD AN OPPORTUNITY TO BETTER DEFINE THE PROCESS.

12 AND AS A RESULT OF THE BOARD
13 ADOPTING THE REGULATIONS PURSUANT TO AB 1220, WE
14 ARE IN THAT POSITION OF BETTER DEFINING THE
15 PROCESS AND THE RESPONSIBILITIES AND ROLES OF US
16 AND THE LOCAL ENFORCEMENT AGENCIES. AND SO WHAT
17 I'D LIKE TO DO IS HAVE GEORGIANNE STEP THROUGH
18 WHAT THIS PROCESS WOULD BE LOOKING LIKE AND WHAT
19 THOSE ROLES AND RESPONSIBILITIES ARE.

20 IN SO DOING, WE ARE NOT ONLY
21 ACHIEVING THE INTENTS AND PURPOSES OF AB 1220 OF
22 STREAMLINING THE PROCESS AND ELIMINATING THE
23 OVERLAP WITH US AND THE LEA'S, BUT WE'RE ALSO
24 ACHIEVING SOME OF OUR STATED GOALS IN THE BOARD'S
25 STRATEGIC PLAN AND THE DIVISION'S OTHER 50 PERCENT

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1 STRATEGIC PLAN.

2 SO WITH THAT BRIEF INTRODUCTION, LET
3 GEORGE TAKE IT FROM HERE.

4 MS. TURNER: GOOD AFTERNOON. I'LL MAKE
5 THIS BRIEF BECAUSE MY STOMACH IS TELLING ME THAT
6 WE'RE WORKING THROUGH LUNCH TOO. BASICALLY I'LL
7 JUST GET RIGHT UNTIL THE MEAT OF THIS. THE LEA'S
8 ARE NOW GOING TO BE SUBMITTING A CERTIFICATION,
9 STATING THAT THE PERMIT APPLICATION PACKAGE AND
10 THE RFI ARE COMPLETE AND CORRECT. AND THIS IS A
11 NEW REQUIREMENT.

12 BASICALLY WHAT THIS MEANS IS
13 TWOFOLD. THEY'RE STATING THAT IT'S COMPLETE,
14 WHICH MEANS ALL THE PARTS ARE THERE, ALL THE
15 ASPECTS THAT ARE REQUIRED IN THE REGULATIONS HAVE
16 BEEN ADDRESSED. AND THE CORRECTNESS DETERMINATION
17 THAT THE LEA IS MAKING IS A LITTLE BIT MORE
18 COMPLICATED. IT'S BASICALLY INDICATING THAT THE
19 INFORMATION THAT'S BEEN PROVIDED IN THE PACKAGE IS
20 AN ADEQUATE DETAIL FOR A THOROUGH REVIEW OF
21 EVALUATING THE ENVIRONMENTAL EFFECTS OF THAT
22 FACILITY. AND FACILITY HAS SHOWN THAT THEY CAN
23 MEET THE REQUIREMENTS OF STATE MINIMUM STANDARDS,
24 AS WELL AS THE INFORMATION IS EXACT AND ACCURATE,
25 AND THAT IT DOES REALLY FULLY DESCRIBE THE

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1 PARAMETERS OF THE FACILITY.

2 SECONDLY, THE LEA IS GOING TO BE
3 REQUIRED TO CERTIFY THAT THE CEQA DOCUMENTATION IS
4 CONSISTENT AND IT SUPPORTS THE PROPOSED PERMIT
5 RFI. OR IN CASES WHERE CEQA IS NOT REQUIRED, THEY
6 WOULD HAVE TO MAKE THAT DETERMINATION, THAT THE
7 LEA HAS FOUND THAT THE APPROVED PROPOSED PERMIT
8 WOULD NOT LEAD TO ANY ADVERSE ENVIRONMENTAL
9 IMPACTS AND IS EXEMPT FROM THE CEQA REQUIREMENTS.

10 CONSEQUENTLY, THE BOARD STAFF WOULD
11 BE REVIEWING THAT THESE CERTIFICATIONS ARE
12 ACTUALLY IN THE PERMIT PACKAGE AND THAT WE WOULD
13 REVIEW THE APPLICATION AND THE RFI TO DETERMINE
14 THAT IT IS COMPLETE. THAT JUST MEANS THAT THE
15 ELEMENTS ARE THERE AND THAT THE PROJECT
16 DESCRIPTIONS BETWEEN THE PERMIT, THE RFI, AND THE
17 CEQA DOCUMENTATION ARE CONSISTENT. AND OF COURSE,
18 LIKE ALWAYS, IF THERE WAS ANY DISCREPANCIES IN
19 THOSE DOCUMENTS OR WE FOUND ANY OF THOSE DOCUMENTS
20 TO BE INCOMPLETE, WE WOULD BE NOTING THAT IN OUR
21 COMMITTEE PRESENTATIONS.

22 AS I MENTIONED BEFORE, THE LEA'S
23 WILL BE DETERMINING THE ADEQUACIES OF THE CONTENT
24 OF THE RFI AND THE PERMIT PACKAGES. THEREFORE,
25 THEY WILL BE RESPONSIBLE FOR SUPPORTING THESE

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1 DETAILS IN THE PROPOSED PERMIT WHEN THEY COME
2 BEFORE THE BOARD AND WILL BE RESPONSIBLE FOR
3 ANSWERING THESE DETAIL QUESTIONS THAT MIGHT COME
4 UP IN CONTROVERSIAL SITUATIONS.

5 THE BOARD STAFF WILL BE SUPPORTING
6 THE LEA'S BY COMMENTING AS TO THAT THEY HAVE
7 FOLLOWED THE MINIMUM REQUIREMENTS IN THE STATE
8 LAW. BOARD STAFF WILL -- I'M SORRY -- BOARD
STAFF

9 WILL BE CONCENTRATING ON MEETING THE STATUTORY
10 MANDATES AND OBJECTIVES OF THE STRATEGIES OF THE
11 GOAL 3 IN THE BOARD'S STRATEGIC PLAN BY
PROVIDING

12 TECHNICAL ASSISTANCE IN THE INITIAL STAGES OF
13 THESE PROJECTS, WORKING WITH THE LEA'S AT THE
VERY
14 BEGINNING OF THE PROJECTS TO ENSURE THAT THEY
HAVE

15 ALL THE TOOLS THAT THEY NEED TO ACTUALLY SUBMIT
A
16 COMPLETE AND CORRECT PACKAGE AND TO COMPLETE THE
17 CERTIFICATIONS.

18 WE'LL ALSO BE CONCENTRATING ON
19 PROVIDING TECHNICAL DOCUMENTATION LIKE WHAT WE
USE

20 NOW IS THE PERMIT DESK MANUAL, SO WE'D BE
UPDATING
21 THOSE TECHNICAL DOCUMENTS AND PROVIDING MORE
22 ONGOING TRAINING FOR THE LEA'S.
23 AS YOU KNOW, THIS IS AN
24 INFORMATIONAL ITEM, THERE'S NO ACTION REQUIRED
BY
25 THE COMMITTEE MEMBERS. HOWEVER, WE DID OUTLINE

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1 FOUR OPTIONS ON PAGE 5 OF THE ITEM IF THE
2 COMMITTEE WISHES TO ENTERTAIN ANY OF THOSE.

3 MEMBER RELIS: MR. CHAIR, I DON'T, FOR
4 ONE, FEEL, I GUESS, READY TO ACT ON THIS ONE. I
5 JUST DON'T -- I HAVEN'T HAD TIME, TO TELL YOU THE
6 TRUTH, TO FOCUS ON THIS ISSUE. I DON'T KNOW IF
7 THERE'S ANY ISSUE OR NOT, SO I'M GOING --

8 MS. TURNER: ONE THING I WOULD LIKE TO
9 ADD ACTUALLY THAT I FAILED TO ADD IN MY
10 PRESENTATION IS THAT IN ANY CONTROVERSIAL
11 FACILITIES THAT MIGHT COME BEFORE US OR ANY
12 SITUATION WHERE AN LEA WOULD NEED EXTRA SPECIAL
13 HELP, WE WOULD ACT AS A SERVICE -- PROVIDE A
14 SERVICE FOR THEM TO DO MORE DETAILED REVIEWS. I
15 THINK THAT'S IMPORTANT TO NOTE THAT WE WOULD BE
16 DOING THOSE. I JUST WANTED TO ADD THAT.

17 MR. DIER: OUR REAL PURPOSE WAS TO JUST
18 GIVE A HEADS-UP TO THE COMMITTEE BECAUSE THE 1220
19 REGS ARE DUE TO BE IN EFFECT THIS FRIDAY. AND WE
20 JUST WANTED TO MAKE SURE THAT THE COMMITTEE
21 UNDERSTOOD THAT WHAT WE HAVE CRAFTED IN THOSE
22 REGULATIONS WAS A DEFINED SET OF EXPECTATIONS AND
23 CRITERIA FOR LEA'S IN WRITING IN SUBMITTING PERMIT
24 PACKAGES TO THE BOARD. AND THAT'S REALLY WHAT
25 WE'RE GOING TO BE FROM NOW ON RELYING UPON AS WE

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1 BRING PERMITS FORWARD TO THE COMMITTEE AND THE
2 BOARD.

3 RATHER THAN DOING AND DUPLICATING,
4 AS WE HAVE IN THE PAST, THE DETAILED LINE-BY-LINE
5 REVIEW OF THE SUPPORTING DOCUMENTATION, THAT
6 RESPONSIBILITY FOR THE ACCURACY OF THAT
7 INFORMATION WILL REST WITH THE LEA. AND THE
8 CERTIFICATION THAT GEORGE REFERRED TO WILL BE THAT
9 LEA'S RESPONSIBILITY, AND THE REFLECTION OF THEIR
10 EFFORTS TO MAKE SURE THAT THAT'S ALL ACCURATE. SO
11 OUR EFFORT IS GOING TO SHIFT PURSUANT TO OUR
12 STRATEGIC PLAN TO MORE OF THE UP FRONT TRAINING
13 AND EDUCATION OF THE LEA'S ON THE PROCESS AND
14 BACKING OFF FROM THE TAIL END OF THE DUPLICATION
15 OF EFFORT.

16 MEMBER RELIS: PERHAPS, THEN, WHAT I'M
17 FEELING IS THAT, ALL THAT HAVING BEEN SAID, THIS
18 COMING AT THE END OF THE DAY, PERHAPS IF WE HAD
19 BEGUN WITH THIS OR WE COULD HAVE MAYBE HEARD FROM
20 AN LEA OR TWO, AND -- I JUST WOULD LIKE FURTHER
21 DISCUSSION ON IT, I GUESS. AND IT'S NOT OUT OF
22 ANY PARANOIA THAT THIS ISN'T THE RIGHT WAY TO GO.

23 MR. DIER: IN FACT, WE WOULD WELCOME
24 FURTHER DISCUSSION BECAUSE WHEN THE REGS COME
INTO

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1 DISCUSSION WITH THE COMMITTEE. WE'RE CERTAINLY
2 GOING TO BE HAVING MORE DISCUSSIONS. IN FACT,
3 GEORGE IS SCHEDULING TRAINING WITH LEA'S ON ALL
4 THIS.

5 MEMBER RELIS: THIS IS THE RELATIONSHIP,
6 THE POST 1220 RELATIONSHIP, AND I THINK WE WOULD
7 BENEFIT BY SOME DETAILED DISCUSSION ON THIS.

8 MS. RICE: WE WOULD BE HAPPY TO COME
9 EITHER TO THE BOARD MEETING TO PROVIDE THAT.
10 THERE ISN'T A CALENDARED ITEM, BUT COULD DO SO
11 UNDER OPEN DISCUSSION, BUT AGAIN, THAT PUTS YOU AT
12 THE END OF THE DAY, OR WE COULD COME BACK ANOTHER
13 MONTH TO THE PERMITTING AND ENFORCEMENT COMMITTEE
14 AND TRY TO DO IT UP FRONT, YOU KNOW, IN THE
15 MORNING NEXT MONTH. WE'D BE HAPPY TO DO THAT.

16 I THINK IT'S IMPORTANT TO KEEP IN
17 MIND THAT WE FULLY IMAGINE THAT IMPLEMENTATION OF
18 THE REGULATIONS WILL BE AN ITERATIVE PROCESS. OUR
19 GOAL ALWAYS WILL BE TO MAKE SURE THAT YOU AS BOARD
20 MEMBERS HAVE THE INFORMATION YOU NEED TO MAKE A
21 REASONED DECISION. IT'S UNREASONABLE OF US TO
22 EXPECT ANYTHING ELSE. SO IF WE EVER HAVE A
SENSE
23 THAT WE NEED TO DO A MORE DETAILED REVIEW OR
THAT

24 THIS NEEDS TO OCCUR OVER TIME IN TERMS OF
25 IMPLEMENTATION, YOU CAN'T EXPECT THAT YOU TRAIN

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1 ONE DAY AND THEN THE VERY NEXT DAY FULL
2 IMPLEMENTATION OCCURS.

3 SO WE DO WANT TIME TO DISCUSS THE
4 PROCESS WITH YOU AND PROVIDE YOU THE ASSURANCES
5 THAT OUR GOAL WOULD BE TO BRING FORWARD PERMITS IN
6 PARTNERSHIP WITH THE LEA IN A WAY THAT YOUR NEEDS
7 ARE MET, THE LEA'S NEEDS ARE MET, AND WE AS STAFF
8 HAVE DONE A JOB FOR BOTH PARTIES. SO WHATEVER
9 BEST MEETS YOUR INTERESTS WE'D BE HAPPY TO COME
10 BACK IN AUGUST.

11 MEMBER JONES: I'D LIKE THAT. I GET
12 NERVOUS -- I MEAN I DON'T HAVE A PROBLEM WITH
13 TURNING OVER SOME OF THIS STUFF. I DON'T ALWAYS
14 FEEL REAL COMFORTABLE SOMETIMES. I MEAN I WENT
15 THROUGH FIVE LEA'S AND WASTE BOARD STAFF ON THE
16 LAST PERMIT THAT I BROUGHT THROUGH THIS PLACE. SO
17 THERE'S A CONTINUAL EDUCATIONAL PROCESS THAT
18 DOESN'T ALWAYS AVAIL ITSELF TO BEING TIMELY.

19 THE OTHER THING THAT SCARES ME A
20 LITTLE BIT ABOUT THIS IS THAT WE HAVE BEEN ACCUSED
21 OF NEVER SEEING A PERMIT WE DID NOT LIKE. AND I
22 THINK THE REASON THAT WE NEVER SEE A PERMIT THAT
23 WE DON'T LIKE IS BECAUSE OF THE WORK THAT YOU
24 PEOPLE DO PRIOR TO THAT DOCUMENT EVER COMING TO
25 THIS COMMITTEE OR TO THE BOARD.

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1 AND, YOU KNOW, I THINK WE REALLY DO
2 NEED TO TAKE SOME TIME TO FIGURE OUT WHAT IS --
3 YOU KNOW, WHAT THE ISSUES -- YOU KNOW, BECAUSE I
4 CAN'T SEE -- WE WENT THROUGH SOME PERMITS TODAY
5 THAT WERE A SLAM DUNK BECAUSE WE HAD THE BRIEFING,
6 WE HAD THE -- YOU HAD CHECKED ALL THE INFORMATION,
7 WE HAD THE CRITERIA THAT WAS IMPORTANT FOR US TO
8 MAKE A DECISION TO CONCUR. WHEN THAT LEAVES, THAT
9 MEANS THAT I'M GOING TO WANT, AND I'M SURE THE
10 OTHER BOARD MEMBERS ARE GOING TO WANT, THAT, NOT
11 THE LEVEL THAT WE SEE TODAY, BUT THE LEVEL THAT
12 YOU GUYS SEE SO THAT WE CAN MAKE SURE THAT A
13 PERMIT IS RIGHT.

14 AND THAT -- AB 1220 IS, YOU KNOW,
15 SUPPOSED TO DO STREAMLINING. YOU KNOW, I DON'T
16 HAVE A PROBLEM WITH THAT, BUT I THINK WE NEED TO
17 TALK ABOUT A LOT OF ISSUES THAT DEAL WITH THIS
18 BECAUSE IF, IN FACT, WE'RE GOING TO LET LEA'S DO
19 MORE OF THIS, AND THAT'S FINE WITH ME, THEN WE'VE
20 GOT TO MAKE A COMMITMENT TO MAKE SURE THEY'RE
21 TRAINED. WE'VE GOT TO MAKE A COMMITMENT TO MAKE
22 SURE THAT WE FUND LANDFILL OPERATOR CERTIFICATION
23 OR ISSUES LIKE THAT THAT GET LEA'S TRAINED SO THAT
24 WHEN THOSE ISSUES COME FORWARD.

25 ONE OF THE COMMENTS THAT WAS MADE

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1 WAS THAT INCOMPLETE -- YOU KNOW, ANYTHING
2 INCOMPLETE COULD COME TO THE BOARD. I DON'T WANT
3 TO BE IN COMMITTEE AND DISCOVER THAT SOMEBODY
4 DIDN'T DO EVERYTHING BECAUSE THEN IT'S A WASTE OF
5 TIME AND THEY'VE GOT TO GO BACK AND REDO IT.
6 THOSE ARE THE TYPES OF THINGS I THINK WE REALLY
7 NEED TO TALK ABOUT BECAUSE I DON'T HAVE A PROBLEM
8 WITH GIVING LEA'S MORE AUTHORITY. I JUST WANT TO
9 MAKE SURE THEY'RE TRAINED AND CAN DEAL WITH THAT
10 BECAUSE WE DO A PRETTY GOOD JOB. YOU GUYS DO A
11 GOOD JOB OF PROTECTING THE PUBLIC HEALTH AND
12 SAFETY. AND I THINK LEA'S RELY ON YOUR INPUT TO
13 MAKE SURE THAT WHAT THEY'RE PRESENTING IS FAIR AND
14 ACCURATE.

15 I DON'T THINK WE WOULD HAVE GOTTEN A
16 SANTA MARIA ISSUE THAT DEALT WITH THE AIR AND
17 WATER BOARD ISSUES IN A CONDITION IF IT WASN'T FOR
18 THAT INTERACTIVE DIALOGUE OF HOW TO SOLVE THE
19 PROBLEM. THOSE ARE THE TYPES OF THINGS THAT
20 BOTHER ME BECAUSE WE ARE GOING TO END UP WITH SOME
21 FACILITIES THAT ARE GOING TO WALK OUT OF HERE WITH
22 NONCONCURRENCE ON PERMITS.

23 MS. RICE: AND OUR HOPE IS THAT THAT
24 INTERACTION STILL OCCUR, BUT THAT IT HAPPENS
25 SEVERAL MONTHS EARLIER BEFORE THE PERMIT HITS THE

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1 BOARD, THAT THOSE ISSUES ARE WORKED OUT WHERE THEY
2 SHOULD BE MORE AT THE LOCAL LEVEL AND THAT BOARD
3 STAFF ARE AVAILABLE TO WORK WITH THE LEA TO DO
4 THAT.

5 CHAIRMAN FRAZEE: OKAY. YES.

6 MR. SWEETSER: I'LL BE REALLY QUICK. MY
7 NAME IS LARRY SWEETSER, DIRECTOR OF REGULATORY
8 AFFAIRS, NORCAL WASTE SYSTEMS. WHOLEHEARTEDLY
9 ENDORSE GOING AHEAD WITH THIS PROPOSAL. MORE
10 DISCUSSION WOULD BE FINE WITH US ALSO, BUT FULLY
11 AGREE WITH MR. JONES.

12 I WANT TO RAISE ONE POINT AND MAKE
13 SURE IT'S IN THE PROCESS, THAT WHEN THIS
TRAINING

14 GOES THROUGH THERE, THAT OPERATORS ARE KEPT
15 INVOLVED IN THE TRAINING PROCESS AND PROVIDED
THE

16 SAME SORTS OF TRAINING BECAUSE WE'RE THE ONES
17 PREPARING THE APPLICATIONS. IT'S OUR FACILITIES
18 OUT THERE, AND IT WOULD HELP US TO UNDERSTAND
THE

19 CHANGE IN THESE RULES. NOBODY LIKES IT MORE
WHEN

20 THESE PERMITS COME BEFORE YOU THAN AN OPERATOR
21 WHEN THEIR PERMIT IS BORING AND THERE'S NO

ISSUES.

22 SO IF WE CAN KNOW WHAT THOSE RULES ARE, IT WOULD

23 BE VERY HELPFUL TO KEEP US IN THAT TRAINING.

24 THANKS.

25 CHAIRMAN FRAZEE: ANY OTHER PUBLIC

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1 COMMENT?

2 MEMBER RELIS: MR. CHAIR, WILL WE BRING
3 THIS BACK FOR DISCUSSION?

4 CHAIRMAN FRAZEE: RIGHT.

5 MS. RICE: WE'LL CALENDAR IT FOR AUGUST
6 IF THAT'S YOUR PLEASURE.

7 CHAIRMAN FRAZEE: OKAY. AND I WAS
8 WONDERING ABOUT WHAT KIND OF INTERACTION WE'RE
GETTING FROM THE LEA'S THEMSELVES ON THIS. HAS
THIS BEEN WELL PUBLICIZED TO THEM?

MS. RICE: WE HAVE NOT YET COMMENCED THE
TRAINING, BUT INFORMATION WAS DISSEMINATED AT THE
ROUND TABLES THIS PAST MONTH AND A LOT OF
DISCUSSION. THERE'S ALSO BEEN A GREAT DEAL OF
DISCUSSION ABOUT THE MEANING AND PURPOSE OF THE
PERMIT IN THE POST 1220 ERA THAT WE'RE GETTING A
LOT OF LEA INPUT ON.

CHAIRMAN FRAZEE: OKAY. IF THERE'S
NOTHING ELSE TO COME BEFORE THIS COMMITTEE, WE'LL
STAND ADJOURNED.

(END OF PROCEEDINGS AT 12:55 P.M.)

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